

THE DALLES POLICE DEPARTMENT POLICY MANUAL

MISSION STATEMENT: The primary mission of The Dalles Police Department is the protection of persons and their property in order to maintain and promote the safety of the public and the livability of our community.

MARCH 2023 EDITION





TABLE OF CONTENTS

CHAPTER 1 – HIRING AND EMPLOYMENT	4
CHAPTER 2 – TRAINING.....	13
CHAPTER 3 – EMPLOYEE CONDUCT.....	18
CHAPTER 4 – SWORN PERSONNEL DRUG AND ALCOHOL POLICY.....	31
CHAPTER 5 – GENERAL OPERATIONS	40
CHAPTER 6 – GENERAL EVIDENCE HANDLING.....	58
CHAPTER 7 – EVIDENCE AND PROPERTY PROCESSING.....	63
CHAPTER 8 – EVIDENCE: SPECIFIC HANDLING INSTRUCTIONS.....	74
CHAPTER 9 – EVIDENCE LOCKER AUDITS AND INVENTORIES.....	115
CHAPTER 10 – PERSONAL APPEARANCE, UNIFORMS, AND EQUIPMENT	119
CHAPTER 11 – PATROL.....	129
CHAPTER 12 – VEHICLE OPERATION	160
CHAPTER 13 – VEHICLE PURSUITS	169
CHAPTER 14 – BODY-WORN CAMERA/MOBILE VIDEO	181
CHAPTER 15 – REPORTS.....	187
CHAPTER 16 – USE OF FORCE AND REPORTING USE OF FORCE.....	189
CHAPTER 17 – INFORMATION SYSTEMS.....	195
CHAPTER 18 – CITY AND DEPARTMENT PROPERTY.....	211
CHAPTER 19 – SAFETY.....	213
CHAPTER 20 – DETECTIVES	222
CHAPTER 21 – INFORMANTS	227
CHAPTER 22 – SPECIAL EMERGENCY RESPONSE TEAM (SERT)	235
CHAPTER 23 – TRAFFIC ENFORCEMENT	237
CHAPTER 24 – POLICE CANINE.....	247
CHAPTER 25 – RESERVES.....	248
CHAPTER 26 – DRONE: UNCREWED AERIAL SYSTEM (UAS)/ UNCREWED AERIAL VEHICLE (UAV)	255
CHAPTER 27 – PEER SUPPORT	259
CHAPTER 28 – MEDIA AND PRESS RELEASE.....	264
CHAPTER 29 – CRIMES AND DEATH INVESTIGATIONS	267
CHAPTER 30 – EYEWITNESS PROCEDURES	278

CHAPTER 31 – HOSTAGE SITUATION	284
CHAPTER 32 – DOMESTIC CALLS.....	289
CHAPTER 33 – MENTAL HEALTH INCIDENTS.....	296
CHAPTER 34 – JUVENILE PROCEDURES.....	300
CHAPTER 35 – ANIMAL CALLS.....	314
CHAPTER 36 – EXPLOSIVES AND BOMB THREATS	317
CHAPTER 37 – ARREST WARRANTS AND SEARCH WARRANTS.....	319
CHAPTER 38 – OFFICER-INVOLVED SHOOTING, USE OF DEADLY FORCE	323
CHAPTER 39 – LETHAL AND LESS LETHAL WEAPONS	327
CHAPTER 40 – COURT PROCEDURES	345
CHAPTER 41 – LEAVE.....	348
CHAPTER 42 – OVERTIME	351
CHAPTER 43 – PERSONNEL ADMINISTRATION	353
CHAPTER 44 – DEPARTMENT AWARDS	365
CHAPTER 45 – SOCIAL MEDIA POLICY.....	367
CHAPTER 46 – POSTSCRIPT	370

CHAPTER 1 – HIRING AND EMPLOYMENT

SECTION 1 – HIRING PROCEDURE

1. REQUEST TO FILL POSITION

A Request to Fill Position form will be filled out by the Chief of Police and submitted to Human Resources for approval (all forms are kept by the secretarial staff). The application and testing process of new employees will be done through Human Resources and follow the City's current policies.

Every position in the Police Department will have a written Position Description that details at a minimum the duties of the position. The Position Description is reviewed with the employee and revised as necessary during every annual evaluation.

2. CANDIDATE LIST

Candidates must meet minimum employment and testing requirements as established by the Department of Public Safety Standards and Training (DPSST), law of the State of Oregon, and local authority.

Human Resources and the Police Captain will review applicants who have successfully completed the National Testing Network (NTN) testing requirements. Successful completion of the Oregon Physical Abilities Test (ORPAT) is required before a job offer may be made. Human Resources and the Police Captain will select from the applications and will compile a list to forward to the Chief of Police. Only applicants with completed applications and passing NTN test scores will be allowed to participate in the oral board process. Any applicant who cannot be certified by DPSST or testify in court will not be considered.

3. ORAL BOARDS

The Chief or Captain will schedule oral board interviews with the applicants. Oral board members will be designated to participate in the interviews. The board will be composed of both sworn law enforcement officers and citizens as decided by the Chief or Captain.

Oral board scoring will be based on categories listed on the scoring sheet. Twenty-five percent of the total score will be based on the resume, 50% of the score will be based on the applicant's interview by the board and 25% of the score will be based on the overall impression the oral board member has on the candidate. This impression will be based on, but not limited to, information learned regarding the candidate's:

- Life Experience
- Education
- Special skills or talents that enhance the Department's service to the community
- Law enforcement background
- Compatibility
- Personality
- Communication skills

- Maturity
- Military experience

Additional points are allotted: 5% for veterans and 10% for disabled veterans.

After all the applicants have been interviewed at the oral board, the board will discuss the results and rank the applicants by score. The board will submit the results of the overall ranking of the applicants to the Chief of Police for consideration.

4. CONDITIONAL OFFER

The Chief of Police will review the recommendations of the oral board and will select which applicant(s), if any, will be receiving a conditional offer. The selected applicant(s) will meet with the Chief and a conditional offer will be presented. The conditional offer is subject to the successful passing of the background investigation as well as the medical/psychological and drug screenings.

5. BACKGROUND INVESTIGATION

A background investigation is conducted on the applicant(s) who received a background packet and returned it in the allotted time frame. Per OAR 259-008-0015, a background investigation must be conducted by a public or private safety agency on each individual being considered for employment as a public safety professional to determine if the applicant is of good character.

The background must include, but is not limited to, investigation into the following:

- Criminal history and arrests
- Department of Motor Vehicle (DMV) records
- Drug and alcohol use
- Education verification
- Employment history
- Military history verification
- Personal and professional references such as friends, associates, family members, and neighbors

6. MEDICAL SCREENING

The Captain will arrange an appointment for the candidate's medical and psychological screening. The Captain will be responsible for ensuring form F2-A is completed and sent to DPSST.

7. PERSONAL INTERVIEW

The personal interview may occur before or after the investigation and may be used to clarify discrepancies in the investigation, such as:

- Records checks, which may include, but are not limited to:

- Police Records
- District Attorney, court and Oregon Judicial Information Network (OJIN) records
- Open sources or social media, as permitted by law
- Financial information, as permitted by law
- Department of Public Safety Standards and Training (DPSST) Professional Standards records
- Residential history
- Work eligibility

8. CHIEF'S INTERVIEW/CITY MANAGER INTERVIEW

Upon the completion/passing of the above background investigation and screenings, the Chief of Police may choose to meet with the applicant for a follow-up interview. If the Chief of Police approves of the applicant, the applicant will be scheduled for an interview with the City Manager. If the City Manager approves of the applicant, the applicant will be given a hire date.

Prior to hiring, the Captain will submit form F-4 (Personnel Action form) and arrange for a DPSST number to be issued.

Once hired:

- Prior to assuming sworn status or exercising police authority, personnel will take an oath of office to uphold state and federal constitutions and local ordinances, to obey the rules and regulations of the City of The Dalles and to abide by a code or canon of ethics.
- The Captain will have Central Dispatch set up Mobile Data Terminal (MDT) access.
- The Captain will order the new hire's name tag and business cards.
- (sworn members) The Captain will have the new hire fill out the Police Memorial Fund Insurance Form.
- (sworn members) The Captain will assign the new hire a locker.
- The Chief of Police will draft a Special Order to be sent out regarding the new employee.
- The Captain will issue all duty equipment.

9. SWORN POSITION, PROBATION PERIOD

Members who are required to attend the Oregon Public Safety Academy will have a probationary period of 18 months. Members who are not required to attend the Academy (lateral officers) will have a probationary period of 9 months.

10. CIVILIAN MEMBERS

Civilian employees begin a six-month probationary period commencing with the first day of employment. Upon hire, a civilian will be assigned to a working unit as determined by the Chief of Police.

SECTION 2 – PROBATIONARY EVALUATION

Probationary members shall remain under close supervision for the duration of their probationary period. While being trained by a Field Training Officer, the Field Training Evaluation Program (FTEP) will be utilized which includes daily observation reporting and immediate feedback. Field Training Officers will be certified by DPSST.

Probationary employees shall receive the Sworn Personnel Performance Evaluation at one year of employment and again upon completion of probation. The member will be rated on all eleven core elements of performance as indicated on the Personnel Performance Evaluation, and rated in every element as either outstanding, meets expectations, below expectations, or unacceptable. Written comments will support the rating.

The supervisor of the member's work unit will submit, in writing, to the Captain any problems the supervisor feels may negatively impact the chances of continued employment past the probationary period.

The probationary employee may be discharged at any time during probation if, in the opinion of the Chief of Police, the employee's continuance in City service would not be in the best interest of the City.

No later than twenty days prior to the end of the probationary period, the Captain will request the shift supervisor to submit a written recommendation to the Captain regarding the continued employment of the probationary employee.

SECTION 3 – RESIGNATIONS

Whenever a member wishes to resign from the Department, he or she will fill out and sign a statement indicating this desire. This statement will indicate the effective date of resignation and whether or not all Department property has been returned.

SECTION 4 – PERFORMANCE EVALUATION AND RECORD

Supervisors will prepare an annual performance evaluation for each member they supervise. The member will be rated on all eleven core elements of performance as indicated on the Personnel Performance Evaluation, and rated in every element as either outstanding, meets expectations, below expectations, or unacceptable. Written comments will support the rating.

The supervisor will go over the review with the member. The member will have an opportunity to comment, and both will sign. After approval by the Captain and Chief, annual performance evaluations will be forwarded to Human Resources for inclusion as a permanent item in the member's personnel file.

RIGHT TO APPEAL

Any member who disagrees with any entry on his or her evaluation record may appeal through the chain of command to the Chief of Police.

SECTION 5 – OUTSIDE EMPLOYMENT

No member of the Department shall engage in any employment outside the Department without written permission of the Chief of Police.

Employment is defined for this procedure as all activities that result in compensation to the member. Department members shall not engage in any outside employment which will adversely affect their ability to perform their duties, quality of their work, or which will cast discredit upon or create embarrassment for the Department or City government.

The primary duty, obligation, and responsibility of a Department member is at all times to the Chief of Police. Members who are directed to report for duty on their days off, or who are required to work overtime, shall do so regardless of the fact that outside employment is approved. Outside employment must not become additional full-time employment.

1. REQUEST FOR OUTSIDE EMPLOYMENT

Prior approval via an Outside Employment Request must be obtained by members prior to engaging in any outside employment. An Outside Employment Request must be submitted in duplicate via the Shift Sergeant, then routed in turn to the Captain and to the Chief of Police. After respective approvals are indicated, the original is returned to the member requesting approval. The duplicate copy shall remain with the Chief of Police. Members who engage in outside employment without approval are subject to disciplinary action.

Approval of outside employment of short, temporary duration requiring immediate acceptance by a member may initially be granted verbally by the member's immediate supervisor; however, a request must be processed as indicated above. In the event that approval of the written request is subsequently denied, the member shall be required to immediately terminate the outside employment in question.

2. OUTSIDE EMPLOYMENT APPROVAL

An approved request authorizes only such work and conditions as specifically designated in the request. An approved request shall be in effect:

- Indefinitely or as approved by the Chief of Police on the request.
- Until the work is completed.

All requests approved under the above conditions shall be forwarded to the personnel file.

Employment that would create the potential for a conflict of interest shall not be approved. Employment in law enforcement or in law enforcement related functions by an employer other than the City shall only be allowed if the City is held harmless by the other employer. Service as a part-time instructor shall not be prohibited.

3. SOLICITATION OF WORK FOR DEPARTMENT EMPLOYEES

No member may solicit outside employment for any other member of the Department. No member shall act as a work broker or employment agent for any other Department member. Any member accepting any fee, income, service, commission, or any other item of value, for obtaining a job of employment for a

Department member shall be considered as a work broker or employment agent and could be subject to disciplinary action.

4. RESTRICTIONS ON OUTSIDE EMPLOYMENT

Member shall not engage in outside employment:

- While they are off duty on sick leave, injured on duty leave, or when placed on administrative leave by the Chief of Police or the Chief's designee during hours they are required to be available to report to the Police Department.
- Which requires the wearing of the regulation uniform, or regulation reserve uniform. (In special circumstances, the Chief of Police may grant the use of the uniform.)
- Which requires the wearing of any special uniform (such as a security guard), where there exists the possibility to assert official authority in private employment.
- In any capacity relating to private security where there exists the possibility to assert official authority in the private employment.
- Which has any connection with the towing of vehicles.
- Which involves mixing or serving of any alcoholic beverage.
- As a process server or bill collector, or in any private employment in which police power is used for private purposes of a civil nature.
- On investigations or other work in which the member may avail access to police information, records, files, correspondence, or police services.
- Which assists in any manner the case preparation of the defense in any criminal action or proceeding.

SECTION 6 – FILING WORKERS' COMPENSATION CLAIMS

All job-related injuries are to be promptly reported by both the injured and supervisory personnel. Injuries suffered will be handled by the City's current workers' compensation company.

Members suffering an on-the-job injury shall:

- Immediately report the injury to a supervisor, regardless of the severity.
- Complete a City Accident/Incident Report, sign it, and date it.

The supervisor's responsibilities upon notification of an injury to a member:

- Completely fill out the necessary portions of the workers' compensation form (Form 801) if professional medical care is needed.
- In the event the member's injuries are so serious that the member is unable to complete the workers' compensation claim, the member's shift supervisor shall ensure that the workers' compensation claim is properly completed.

- If a supervisor doubts the validity of a claim, the supervisor may so indicate. In addition, the supervisor shall attach a separate memo, fully detailing why doubts exist.
- Supervisors shall forward all workers' compensation forms to the Captain within five (5) days of notification of the injury.

SECTION 7 – LABOR RELATIONS COORDINATOR

The purpose of this procedure is to create a central clearing point for all labor relations matters that arise in the Department. The central clearing point shall be with the Captain. The Captain shall, to the extent possible, be cognizant of all employment controversies and shall investigate all formal grievances.

As used in this procedure, employment controversies are disagreements between a member of an authorized bargaining unit and supervisor or manager concerning interpretation of the terms of the Collective Bargaining Agreement, or concerning other matters regarding working conditions. Disagreements over Department policies, rules, or procedures are not included.

All supervisors and managers who become involved in decisions regarding employment controversies shall notify the Captain, in writing, in accordance with the following:

- Resolved controversies: Submit within two (2) working days a brief memo stating the subject matter, the method of resolution of the controversy, and the relevant Collective Bargaining Agreement section(s) involved.
- Unresolved controversies: Submit within one (1) working day a detailed memorandum stating the names of all parties involved, decisions reached by these parties, assurances of claims made by those parties, and their reasoning. A complete statement of facts shall be given, and all issues shall be stated and related to the appropriate Collective Bargaining Agreement section(s).

A copy of the above memorandum shall be forwarded to the Chief of Police through the appropriate chain of command personnel; however, the original shall be forwarded directly to the Captain.

All informal grievances shall be the responsibility of the Captain. After forwarding a copy of the grievance to the Chief of Police, the Captain shall thoroughly investigate the circumstances regarding the incident, and shall submit a recommendation to the Chief of Police at least one (1) full work day before the deadline for response.

All shift supervisors or persons responsible for other performance reviews (for example case preparation, equipment care, timekeeping) shall notify the Captain, in writing, in all instances where:

- On-the-job injury/illness claims have been filed (a copy of the claim form will suffice for this) over a period of time.
- Continued substandard performance has become apparent.
- Physical, emotional, or mental infirmity has developed or appears to be developing.

SECTION 8 – VOLUNTEERS

- Volunteers other than sworn reserves will not take police action or exercise police authority.
- The volunteer shall pass an interview process prior to selection.
- All volunteers will undergo and pass an appropriate background investigation to ensure fitness for association with the Police Department.
- Volunteers shall pass a Criminal Justice Information Services (CJIS) clearance for facilities access, but not be provided direct query access to CJIS records or other police confidential records.
- Volunteers are permitted strictly at the discretion of the Chief of Police.
- Each volunteer shall have a specific duty or role that is mutually agreed upon and understood. The duty or role shall be enumerated in writing and kept in a personnel file.
- Volunteers engaging in activities that require position-specific training shall receive training, and demonstrate competency in the skill or activity. Any required certification must be obtained and maintained during the entirety of the volunteer period.
- Volunteers will be supervised by a sworn supervisor.
- Volunteers are required to acknowledge and follow this Policy Manual and all City policies, rules, and procedures.
- Volunteers are covered by the City general liability and workers' compensation insurance when volunteering in their agreed capacity and within the scope of their duties.
- Volunteers may wear Department-provided clothing and insignia as approved by the supervisor.

SECTION 9 – PROMOTION AND SELECTION FOR SPECIAL ASSIGNMENT

When a position becomes open for promotion or special assignment, the promotion opportunity or special assignment shall be advertised to the entire agency via email and/or posting. The promotion/special assignment shall be filled through a fair and competitive process. In each posting, the minimum qualifications shall be described for the position. This Policy will not be applicable to transfers between shifts.

Promotion to the rank of Sergeant shall require a minimum of two years of experience past any probationary period. Prior experience outside The Dalles Police Department (TDPD) can be considered for this criterion. Serious misconduct or discipline within the last year will be cause for elimination from the promotion process. Each candidate shall submit a letter of interest that outlines his or her qualifications and suitability for the position, and all qualified candidates will be interviewed by a panel that includes the Chief and other appointed members. All candidates will be notified of the outcome once a final decision is made.

Promotion to the rank of Captain will follow the same procedure as Sergeant but may also be recruited from outside the agency if necessary, in the opinion of the Chief. In this case, a standard employment recruitment shall be followed.

Special assignments will progress in the same manner but may not necessitate an interview, and a decision may be made from the submitted written letters of interest.

CHAPTER 2 – TRAINING

SECTION 1 – TRAINING FOR CERTIFIED MEMBERS

The on-going training of working employees is the responsibility of the Department and its supervisors. The Department will provide the opportunity to members for training, and supervisors are expected to be familiar with the mechanics of the learning process and to routinely apply them in their supervisory tasks.

1. CERTIFICATION

All employees must obtain required certifications for their positions within established timelines, and that certification will be maintained through training and employment. Employees will comply with the Department of Public Safety Standards and Training and Oregon administrative rule and legal requirements for certification.

2. RECRUIT TRAINING

Once a new recruit has been hired, scheduling shifts and arranging specialized training such as firearms will be the responsibility of the training supervisor with input from the training coordinator.

All recruits will attend the basic academy provided by the Oregon Department of Public Safety Standards and Training, as per its rules.

3. ON-THE-JOB TRAINING, MENTORING AND COACHING

The employee's training continues after being hired through assignment with senior personnel and supervision. It is the responsibility of all employees to teach those with whom they work the skills and knowledge necessary to perform the job at hand. Supervisors at all levels have the responsibility not only to train subordinates to perform assigned tasks, but also to familiarize all subordinates with their supervisor's job as well, so that employees are prepared to assume additional responsibilities should the need arise. Each trainee will be evaluated on each shift and their performance will be documented in the Field Training and Evaluation Program. The trainee will have the opportunity to address, in writing, any positive or negative comments documented by the trainer. Trainers will be certified by DPSST per their requirements. (See Chapter 2, Section 2- Police Recruit Training for further information)

4. IN-SERVICE TRAINING

Refresher training is periodically provided. In-service training will be planned annually by the Administrative Sergeant and be inclusive of changes in law or process enacted by the legislature, State mandated training, the Prison Rape Elimination Act (PREA), current high risk/liability or visibility topics, agency policies and procedures, and de-escalation tactics to reduce or lessen the need to use force.

Crisis intervention training that addresses the minimum training requirements for law enforcement personnel to interact effectively with individuals with cognitive impairment, including, but not limited to, dementia, intellectual and developmental disabilities, and brain injuries will be included in in-service training. This may be provided through crisis intervention training provided by Mid-Columbia Center for Living or other sources.

In-service training of personnel will be the responsibility of all supervisory personnel. Shift Sergeants will cover all subjects they think necessary to complete the training of their command. They will further assist the administration and training division in any further training.

Any other training required by DPSST will be included in the annual training plan as mandatory, and the completion of the training will be verified through written rosters or other proof of completion or attendance.

5. PROMOTIONAL TRAINING

Once the selection process has resulted in promotions, the Department will provide training to prepare newly appointed supervisors and commanding officers for their added responsibilities. Newly promoted supervisors will attend Basic Police Supervision class at DPSST as soon as the training can be scheduled.

6. DEFENSIVE TACTICS TRAINING

Each sworn member is expected to be proficient in defensive tactics. Members receive this training in the police academy and will receive refresher training at least every two years by a certified defensive tactics trainer. This training may include practical exercises, scenario-based training, classroom training, or a combination of these elements.

7. FIREARMS TRAINING

The Range Master will be responsible for the following training:

- Training in handling, use, and care of all Department firearms
- Marksmanship instruction and practice with all Department firearms
- Firearms range safety including a safety briefing at every training event, and a review of the use of deadly force policy
- Firearms qualification and training record keeping and reporting
- Training the Police Reserves in the above areas

The Range Master is responsible for reporting firearms training to DPSST.

The Range Master will supervise firearms instructors who will assist in course development and conducting of qualification and training sessions.

8. SPECIALIZED TRAINING

To prepare employees for new assignments, the Department will provide specialized training in those areas where a need is developed.

SECTION 2 – POLICE RECRUIT TRAINING

1. FIELD TRAINING AND EVALUATION PROGRAM

The City of The Dalles Police Department utilizes the Field Training and Evaluation Program (FTEP) model. The FTEP has been modified to include teaching elements of the Problem Based Learning (PBL) model. PBL

encourages a coaching style method as opposed to a strict evaluator style method. PBL allows the trainee to figure out solutions to problems for himself or herself, and learn by both successes and failures. Use of PBL methods will not be at the expense of safety, security, civil rights, or law.

FTEP has four phases. The first three phases will last three weeks with a Field Training Officer (FTO) riding with the recruit. Following each phase, there will be one week of evaluation with a Field Training Evaluator (FTE) riding with the recruit to evaluate the progression of the recruit's previous phase. During the final phase (Phase IV), an FTE will ride with the recruit for two weeks followed by two weeks of the FTE in a separate vehicle. During the final two weeks, when possible, the FTE will be in plain clothes driving an unmarked vehicle.

Timelines for each phase are subject to the progression of the recruit's abilities.

The following is an outline of the expectations of each phase; these are not absolute as call load, operations tempo, and shift availability, as well as academy training, will influence the training environment.

- Phase I – Officer safety, geographical orientation, radio protocol, routine forms, public interaction, administrative duties, situational awareness, law and policy familiarity
- Phase II – Continued knowledge of laws, ordinances and policy, traffic enforcement, investigative skills, interviewing skills, report writing, proactive policing, critical thinking and communication skills
- Phase III – Vehicle operations, emergency response, complex investigation skills, complex interviewing skills, complex report writing, crisis response, and self-initiated activity
- Phase IV (Shadow Phase) – Patrol duties should be demonstrated with competence; fine tuning of weak areas; recruit should require minimal coaching to perform tasks

At the discretion of the Captain, lateral officers may undergo a modified training schedule and phase progression based on prior experience, knowledge, and training. This training will consist of a minimum of six weeks and will be tailored to the officer's skillset and development.

2. TRAINING SUPERVISOR

The Training Supervisor is a patrol sergeant assigned by the Captain. The Training Supervisor is responsible for the overall management of the FTEP.

The Training Supervisor will:

- Schedule and facilitate FTO meetings.
- Schedule the training/evaluation phase.
- Participate in the selection and evaluation of Field Training Officers and Field Training Evaluators.
- Administer the program according to Department Policy.
- Meet weekly with the FTO and recruit.

- Keep the Captain informed of any unusual problems or activities related to the FTO/recruit learning experience.

3. TRAINING COORDINATOR

The Training Coordinator is assigned by the Captain and is responsible for managing and facilitating the program on a daily basis. The Training Coordinator will:

- Prepare the Field Training and Evaluation Manual (FTEM) binder for recruits.
- Introduce the recruit to the FTEP process.
- Ensure all equipment has been issued.
- Verify all accounts (email, voice, EIS, etc.) are set up.
- Maintain all program records and reports.
- Schedule Law Enforcement Data System (LEDS) certification with the administrative staff.
- Communicate weekly with the recruit and FTO.
- Assist FTO/FTE with corrective training strategies for the recruit.

4. FIELD TRAINING OFFICER (FTO)

FTOs will be designated by the Captain. Officers desiring to be an FTO will submit a letter of interest to the Captain. To be designated an FTO the officer must meet the following conditions, unless waived by the Captain:

- Demonstrate continued professionalism, motivation, and enthusiasm
- Be willing to participate in all assigned recruit training/evaluations
- Be off of probation
- Have a minimum of two years of certified law enforcement experience
- Attend the FTO course as soon as possible upon appointment and become certified as an FTO by DPSST.

The FTO is the individual primarily responsible for guiding the recruit through the learning experience. The FTO provides daily coaching and training using PBL concepts to the recruit. The FTO documents training and keeps the Training Supervisor and Training Coordinator informed about any pertinent issues associated with the recruit.

During the training phase, the FTO will:

- Take ownership of the training experience.

- Provide a positive learning environment for the recruit.
- Be a role model for the recruit.
- Use the PBL teaching model to accomplish daily activities when able.
- Complete Weekly Observation Reports by the end of the work week.
 - At the discretion of the Captain or Chief, Observation Reports may be increased in frequency to daily, but not less than weekly.
- Be a resource for the recruit to ensure learning is accomplished.
- Record the teaching and coaching experiences with the recruit and bring forward any persistent concerns to the Training Supervisor.
- Complete any sections the recruit has learned in the Field Training Evaluation Manual weekly.

5. FIELD TRAINING EVALUATOR (FTE)

Field Training Evaluators are experienced FTOs.

The FTE will be a different officer from the previous FTO. The FTE will evaluate the recruit at the end of each phase (fourth week). The evaluation week is not PBL oriented and the recruit is expected to demonstrate skills learned in the previous phase without coaching by the FTE. The FTE will complete a Weekly Observation Report at the end of the work week and recommend to the Training Supervisor whether or not the recruit is ready to advance to the next phase or be released from FTEP when training is complete.

6. COMPLETION OF FTEP

When the recruit is entering Phase 4, shadow phase, the FTE shall keep the Training Supervisor and Training Coordinator apprised of the recruit's performance. If the recruit is demonstrating acceptable levels of competence, the Training Coordinator will prepare a letter of recommendation to the Captain stating that the recruit is ready to exit FTEP status and begin solo patrol duties. During the last week of Phase 4, the FTE, Training Supervisor, and Training Coordinator will remain in communication to confirm if the recruit is ready for solo status. At the end of Phase 4, if the FTE and Training Supervisor concur that the recruit is ready to exit the FTEP, the Training Coordinator will submit the letter of recommendation for the recruit to be placed on solo patrol status.

CHAPTER 3 – EMPLOYEE CONDUCT

SECTION 1 – GENERAL GUIDELINES

In order to operate effectively, a police agency and its individual officers must keep the trust of the public, prosecutors, and courts. The agency and individual members (whether on or off duty) must always behave in a professional and dignified manner, demonstrating honesty, integrity, and unbiased fair treatment for all.

Police officers are held to a higher standard of ethics, integrity, and conduct than nearly any other profession. When a member of the public accepts employment in law enforcement, that person has implicitly agreed to rise to these higher standards.

Officers shall:

- Observe and comply with every person's rights under the United States and State constitutions.
- Perform official acts in a lawful, restrained, dignified, impartial, and reasonable manner.
- Take action in each situation to provide the necessary services, complete all required reports, and ensure the notification of the proper superiors when indicated by the circumstances.
- Be considerate of the feelings, interests, and emotions of all persons.
- Request the assistance of a supervisor when the appropriate action required is either not clear or not possible under the circumstances.
- Treat everyone fairly and with dignity and respect.

1. ETHICAL CONDUCT

Each sworn member, regular or reserve, shall sign and abide by the Department of Public Safety Standards and Training (DPSST) Criminal Justice Code of Ethical Conduct, which is further identified as DPSST form F-11. The form reads:

AS A CRIMINAL JUSTICE OFFICER, my fundamental duty is to serve humankind; to safeguard lives and property; to protect all persons against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all people to liberty, equality and justice.

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

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. Without compromise and with relentlessness, I will uphold the laws

affecting the duties of my profession courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.

I RECOGNIZE my position as a symbol of public faith, and I accept it, as a public trust to be held so long as I am true to the ethics of The Criminal Justice System. I will constantly strive to achieve these objectives and ideals, dedicating myself before God¹ to my chosen profession.

_____ *I swear before God to the above.*

_____ *I affirm to the above.*

Signature _____

DPSST Number _____

Date _____ Print Name _____

¹ Reference to religious affirmation may be omitted where objected to by the officer. DPSST Revised 09-24-2012

CRIMINAL JUSTICE CODE OF ETHICS F-11

2. COOPERATION

Members shall promptly and effectively cooperate with other members of this Department and with the members of any other public agency towards the accomplishment of any public responsibility.

3. TRUTHFULNESS

The ability to testify in court with credibility is a bona fide occupational requirement of a police officer. Officers will not engage in any conduct, on or off duty, which would damage the officer's ability to testify in court (See Brady v. Maryland).

The integrity of police service is based on truthfulness. No member shall knowingly or willfully depart from the truth in giving testimony, or in rendering a report, or in giving any statement about any action taken that relates to his or her own or any other member's employment or position. Members will not knowingly make any false statements to justify a criminal or traffic charge or seek to unlawfully influence the outcome of any investigation.

These requirements apply to any report concerning Department business including, but not limited to, written reports, transmissions to the emergency communications center, and communication with members via radio, telephone, or email.

Members are obligated under this directive to respond fully and truthfully to questions about any action taken that relates to the member's employment or position regardless of whether such information is requested during a formal investigation or during the daily course of business.

4. CONDUCT AND DISCREDIT

No member of this Department shall act in an official or private capacity in such a manner as to bring discredit upon the Department or himself or herself.

5. UNSATISFACTORY PERFORMANCE

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department.

Unsatisfactory performance may be demonstrated by:

- Lack of knowledge of the application of laws required to be enforced.
- Unwillingness or inability to perform assigned tasks.
- Failure to conform to work standards established for the rank, grade, or position.
- Failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention.
- Absence without leave.

Performance deficiencies or a written record of infractions of rules, regulations, directives, or orders of the Department may be considered prima facie evidence of unsatisfactory performance. Unsatisfactory performance will be documented in the Annual Personnel Performance Evaluations and shall be rated as either below expectations or unacceptable. If the overall score on the Annual Personnel Performance Evaluation is rated as "unacceptable," a performance improvement plan will be written and implemented until such time as performance is corrected and acceptable. Unwillingness or inability to complete a performance improvement plan shall be cause for further action up to termination. Unsatisfactory performance need not wait for an Annual Personnel Performance Evaluation to be addressed.

6. OBEY THE LAW

No member of this Department shall violate any of the laws, statutes, or ordinances of federal, state, or local government.

7. DUTY TO REPORT UNLAWFUL OR UNETHICAL CONDUCT

An officer who observes police misconduct such as but not limited to excessive use of force or Brady level untruthfulness must report the misconduct to a supervisor, or directly to the Captain or Chief of Police. Officers witnessing excessive force shall intervene and stop the force if possible. (See also Chapter 16,

Section 3.6 – Duty to Intervene) Any member who is arrested or has a court action filed against him or her shall notify his or her supervisor immediately.

8. RETALIATION PROHIBITED

No member will engage in retaliation. This includes retaliatory action in regard to other members, members of other agencies, or to private citizens.

In order to maintain a healthy and efficient work environment, members must not fear retaliation by a coworker for such reasons as, but not limited to:

- Reporting misconduct
- Testifying against a fellow Department member
- Testifying at a criminal or civil trial

In order to maintain community credibility, it is essential that citizens do not fear retaliation by Department members for such reasons as, but not limited to:

- Demonstrating one's constitutional rights
- Reporting misconduct
- Questioning the legality of a member's actions
- Asking for a member's name and/or Department ID number

All members will refrain from any acts of retaliation. These acts include, but are not limited to:

- Refusal to provide backup or support
- Creation of a hostile work environment
- Intimidation or ridicule
- Inappropriate jokes, remarks, or gestures
- Taking law enforcement action in an unfair or biased manner
- Filing of complaints in an unfair, unjustified, or biased manner

Supervisors have the responsibility of ensuring that all employees are informed of the seriousness of retaliation and its consequences and members are required to know and abide by this policy.

9. CRITICISM

Members of the Department, except as officially required, shall not criticize any member, or any order, action, or policy of the Department to the public or to members of other agencies.

If a member has a criticism or other issue with another member, any order, or policy, that member shall bring the issue forward following chain of command.

The purpose for bringing forth a criticism must be to seek corrective action and improve the efficiency or operations of the agency. Members will not bring forth criticisms in order to damage the reputation or operation of the Department or any member.

10. ACCEPTING OR SOLICITING DISCOUNTS, GIFTS, GRATUITIES, FEES, LOANS, ETC.

Members shall not, under any circumstances, solicit any gift, gratuity, loan, fee, or special privilege where there is any direct or indirect connection between the solicitation and their membership in the Department.

- Department members shall not accept, either directly or indirectly, any gift, gratuity, loan, fee, discount, or any other thing of value arising from, or offered because of, police employment.
- Department members shall not accept, either directly or indirectly, any gift, gratuity, loan, fee, discount, or any other thing of value which might tend to improperly influence their actions or that of any other member in any matter of police business.
- Department members shall not accept, either directly or indirectly, any gift, gratuity, loan, fee, discount, or any other thing of value which might tend to cast an adverse reflection on the Department or any member thereof.
- A member shall immediately report to the Chief of Police, through channels, any offer or attempt to offer any gift, fee, or other reimbursement which may be made in an effort to affect the member's official conduct.
- Gift means something of value given to a member without valuable consideration, including full or partial forgiveness of indebtedness, which is not routinely extended to others who are not members of a law enforcement agency; however, gift does not mean gifts from relatives.
- Gift does not include lunches, dinners, or other such activities of organizations where the member attends as an official representative of the Department of the City. Gift does not include anything solicited or accepted, with the consent of the Chief of Police and the City Council, publicly given.
- Special privileges include, but are not limited to, free admission of places of amusement, discounts on purchases, or other favors.
- Special privileges do not include a sworn member using his or her badge or other official identification when such use is in furtherance of official duty. Should admission, under these circumstances, be refused, the officer shall pay the required fee and file a report with his or her commanding officer, outlining the circumstances and requesting reimbursement.

11. TRANSACTIONS WITH INVOLVED PERSONS

Members shall not engage in any transaction with any complainant, witness, suspect, defendant, prisoner, or other persons involved in a Department case whereby the successful prosecution of the case or the member's personal integrity may, in any way, be jeopardized.

12. USING POSITION FOR PERSONAL GAIN

Members shall not use their official position or identification for any financial gain. The acceptance of any free or reduced-price services or articles on the basis of official position is prohibited.

13. DEPARTMENT BUSINESS CONFIDENTIAL

All members of the Department shall treat as confidential the business, activities, files, and reports of the Department. Information which is not a public record will not be disclosed except as permitted by law and when such disclosure is required for legitimate law enforcement purposes.

14. PERSONAL DEBT

Department members shall not contract a debt under false or fraudulent pretenses. No member shall refuse, without reasonable cause, to repay his or her lawful debts.

15. PERSONAL PROBLEMS

Department members with personal problems may discuss their difficulties with any of the following personnel:

- A Sergeant
- The Captain
- The Chief of Police
- Employee Assistance Program (EAP)
- Department Chaplain

16. CONFLICT OF INTEREST

If any officer, supervisor or employee encounters a conflict of interest, the situation should be reported to a supervisor immediately. A conflict of interest is any situation where actual, or the appearance of, favoritism, department or personal gain exists. The supervisor will take proactive steps to eliminate any actual or potential conflict of interest, or the appearance of a conflict of interest. Supervisors should consider the use of an outside agency if a conflict of interest situation arises. Likewise, if an outside agency requests TDPD assistance to resolve a conflict of interest situation, TDPD will reciprocate as resources allow. Any efforts to eliminate conflict of interest, or a potential conflict of interest, should be documented in a police log or report for full transparency.

17. THREAT OF VIOLENCE TO A MEMBER

No member shall threaten, intimidate, strike, or attempt to strike any other member, or draw, or lift up any weapon, or threaten any violence to another member.

18. RUMORS

Members shall not make statements or spread rumors in regard to future Department policies or activities, or make statements regarding public events, crimes, or catastrophes unless they know of their own knowledge that such statements are true.

19. TRUST

Members shall not betray the trust of any person who confides pertinent information to them in their official capacities and shall not reveal such information except to their commanding officer.

20. REVEALING CRIMINAL INFORMATION

Members shall not give information, directly or indirectly, which may enable any person to avoid arrest or punishment, or to conceal or dispose of goods, money, or other valuable things stolen or otherwise unlawfully obtained.

21. PUBLIC APPEARANCES

All requests for public speakers or public appearances will be referred to the office of the Chief of Police for assignment.

Those assigned to give a public talk or make a public appearance as a member of the Police Department will either submit an outline of the proposed talk to the Chief of Police for approval or the contents and subject matter will be discussed with the Chief of Police prior to delivery.

22. BUSINESS OR PERSONAL CARDS

Business or personal cards which refer to the Department shall be used by members only in connection with official business and shall conform to the approved Department form.

23. LENDING OF BADGE OR POLICE CREDENTIALS

Officers shall not use another officer's badge or official police credentials without permission of a superior officer; nor shall members knowingly permit any person not appointed membership in this Department to use a Department badge or official credential at any time.

24. SPECIAL IDENTIFICATION

Members, individually or representing police organizations, shall not issue to persons, other than members of the Department, any card, button, or other device which purports to entitle the holder thereof, to any special privilege or consideration.

25. INCURRING DEPARTMENT EXPENSE

Members shall not incur any unauthorized Department expense except, when necessary, under emergency conditions. All personnel making Department purchases shall adhere to the current City purchasing policy. All slips or invoices will be filed at the administrative staff desk. All items costing less than one dollar will be paid for in cash, unless the Department maintains a regular account where the purchase is made. Either the cash can be picked up from the administrative staff, with a proper slip placed in the register, or personnel can pay with their own money and bring a slip to the administrative staff for reimbursement.

26. POLITICAL ACTIVITY

- No Department member shall solicit or receive any contribution or political service for any political purpose from anyone on the eligible list of the classified civil service of the City or anyone holding any position under civil service during duty hours.
- No member having charge of any Department facility shall permit any person to solicit any type of political contribution on such premises.

- No member is under any obligation to contribute to any political fund or to enter any political service to any person or party, and shall not be penalized in any way for refusing to do so.
- No member shall use his or her authority or influence to coerce the political action of any person or body, or to interfere with any nomination, appointment, or election to public office of any person.
- No member shall take part in any political management or campaign, or engage in any political activity whatsoever, for or against any person, candidate, or party while on the job during working hours or while representing himself or herself to be a member of this Department.
- Every member has the right to vote as he or she pleases, and to privately express his or her opinion on all political subjects. Expressing opinions on political subjects is discouraged during the performance of official duties.
- A member may be a candidate for public office.
- The right to be a candidate for public office is established by *Minielly vs. State*, 242 or 490.

27. SUBPOENA AS DEFENSE WITNESS

If a Department member is subpoenaed as a defense witness in either a civil or criminal case, the officer shall immediately notify the Captain and the Prosecuting Attorney.

If the case stems from the officer's employment and the officer appears while on duty or receives overtime pay, any witness fee will either be declined or turned over to the Captain. The Captain will forward the check to the finance department.

28. ARRESTS OF, OR COURT ACTIONS INVOLVING, A MEMBER

A member who has been arrested, cited, or becomes involved in a court action in any capacity other than as a witness for the prosecution, shall immediately notify the Chief of Police.

29. RECEIPT OF SERVICE OF PROCESS

A member who is served in their official capacity, or in their personal capacity, in a civil case in which liability attaches to the City, shall immediately notify the office of the City Attorney via the Chief of Police, together with a memo stating the time, place, and date of service.

30. CLAIMS FOR DAMAGE AND LEGAL COMPROMISE

In matters arising out of their positions in the Department, members shall not file claims for damages or make any legal compromise without notification to the Chief of Police.

31. CIVIL SUIT INQUIRIES

In the event a Department member is contacted concerning a pending tort claim or civil litigation, he or she shall not discuss the matter with the person requesting information concerning the tort claim, or the civil litigation, without a legal representative of the City being present. The Department member shall contact the City Attorney's office to receive guidance as to how to respond to the inquiry.

32. PUBLIC ACTIVITIES

Members shall not, without consent of the Chief of Police, permit their names, photographs, or identities as a member of the Department to be used to endorse any product or service.

Any written or recorded material for publication or distribution outside the Department, except personal correspondence, which draws on the writer's experience as a member of the Department, or identifies himself or herself as a member thereof, shall be submitted to the Chief of Police for approval prior to submission for publication. The Chief will make determination of the correctness of any reference to the Department, operations, or policy, and the appropriateness of making public information which might be prejudicial to the lawful interest or privacy of any person.

No member shall join, or in any way participate, with any organization which advocates the violation of any of the laws, statutes, or ordinances of federal, state, or local government, or which advocates the violation of the civil rights of any person except in the furtherance of an investigation, and then only by direction of the Chief of Police.

Members of the Department shall not solicit advertising which is to appear in any commercial publication, nor lend their support in any manner to such solicitation.

SECTION 2 – GENERAL CONDUCT ON DUTY

It is the principal responsibility of every member of the Department to promptly, courteously, and effectively assist the public. The invariable Policy of this Department is that the need for assistance by a citizen takes precedence over any activity except those of an emergency nature. It shall never be acceptable to place routine Department business ahead of providing service to a member of the public. Prompt assistance shall be rendered whether requested in person, by telephone, email, or by letter. A basic principle is the immediate attendance to the needs of any person without referral to any other member or agency unless this cannot be avoided.

1. COURTESY

Members of the Department shall be respectful, civil, orderly, and courteous to the public and their coworkers, and **shall not use coarse, violent, or profane language in the performance of their duties**. It may be necessary to quote another person in reports or in testimony. Members may be required to use coarse language to establish control in the exceptional circumstances where its use may help avoid deployment of physical or deadly force. These circumstances are very limited and shall be documented in an appropriate report. No member shall use epithets or terms that tend to denigrate any particular gender, race, nationality, sexual orientation, or ethnic or religious group, except when necessary to quote another person in reports or in testimony.

When in public, supervisory officers shall be referred to by rank.

2. DISCRIMINATION

A member of the Department shall not allow any of his or her actions or decisions to be affected by prejudice of sex, gender identity, race, color, religion, housing status or political belief.

Department members shall not refer to any person in a derogatory manner because of his or her race, color, sex, gender identity, religion, housing status, or political preference.

3. PERSONALITY CLASHES

It is expected that all members of the Department will work together professionally, in an effective and efficient manner, regardless of any personal feelings or personality conflicts.

A Department member having a personality problem involving another member, which cannot be resolved amicably, may consult any of the following:

- Immediate supervisor
- The Captain, who is the agent of the Chief in matters involving personal problems of the Department members
- The Chief of Police
- The Department Chaplain

4. INTOXICANTS

Members shall not consume intoxicants while on duty, nor shall they consume intoxicants to the extent that any evidence of such consumption is apparent when reporting for duty.

The smell of intoxicants on the breath of the member reporting for duty is grounds for disciplinary action. The member shall be immediately relieved from duty.

Members shall not drink alcoholic beverages while wearing the uniform or identifiable parts thereof, whether on duty or not.

No intoxicants shall be kept for consumption or be consumed in any Department facility or vehicle. Members assigned special duties which may require the consumption of alcoholic beverages may be exempted from the provisions of this section only when approved by the Captain or by the Chief of Police.

No member, while off duty, shall drink alcoholic beverages to an extent which renders him or her unfit to report for his or her regular tour of duty, or which results in the commission of an obnoxious or offensive act which might tend to discredit the Department.

5. PHYSICAL FITNESS FOR DUTY

Members shall maintain such physical and mental condition that they can fulfill the duties of their assignment.

6. SLEEPING ON DUTY

Members shall remain awake during the time they are on duty, and they are responsible for reporting for work physically able to appropriately complete the tour of duty.

If unable to do so, they shall report to their supervisor, who shall take appropriate action.

7. MALINGERING

No member shall attempt to avoid his or her duties by feigning illness or giving a false impression that he or she is performing his or her duties.

8. PUNCTUALITY

Every member shall be punctual when reporting for duty, attending court, responding to calls for service, or reporting or performing any official act.

9. AVAILABLE FOR SERVICE

While on duty, members shall keep themselves available for service unless they are on a specific assignment.

10. ABSENCE FROM DUTY

An on-duty member shall not leave his or her assignment without permission from a supervisor or until properly relieved.

11. KEEP UP-TO-DATE

Members reporting for duty shall acquaint themselves with events that have taken place since the end of their last tour of duty which pertain to their individual responsibilities.

This will generally include checking email, voice mail, and the physical mailbox on each work day. Officers are also expected to be familiar with recent police reports and logs, as well as teletypes.

12. IDENTIFY YOURSELF

Members shall identify themselves by name, rank, badge number and assignment upon request, unless otherwise directed by a supervisor. Members will provide a business card to any person upon request.

13. NARCOTICS AND DANGEROUS DRUGS

No member shall use or illegally possess any narcotic or dangerous drug. Member's use of non-prescribed narcotics or dangerous drugs or an excessive use of prescribed drugs, whether on or off duty, will be cause for discipline.

14. GAMBLING

Members shall not engage in any form of gambling while on duty or while dressed in full or partial uniform, or in a police facility, except for evidence-gathering purposes.

15. ASSOCIATION WITH KNOWN CRIMINALS

Members shall avoid regular or continuous association or dealings with persons whom they know, or should know, are felons. Members will also not associate with persons under criminal investigation or indictment, or who have a reputation in the community for criminal behavior, except as directed or authorized by a superior officer.

16. AID TO CRIME VIOLATORS

Members shall not take part in any promises or arrangements between wrongdoers and persons who have suffered by a criminal's act with intentions of permitting wrongdoers to escape arrest or punishment without the approval of the District Attorney.

17. UNAUTHORIZED USE OF OFFICIAL FILES

Members shall not transmit, remove, make copies, divulge, alter, or enter false data or make personal use of any records, reports, letters, documents, recording tapes, pictures, criminal files, or other official files maintained by the Department except for their custody in the course of official business, as authorized by law, or as directed by the Chief of Police.

18. CIVIL CASES, MISUSE OF POSITION

Officers shall not use their positions with the Department as a means of forcing or intimidating persons with whom they are engaged in civil matters to settle the case in favor of the officer.

19. WITHHOLDING CRIMINAL INFORMATION

Officers receiving or possessing facts or information relative to a criminal offense or case shall not retain such facts or information through ulterior motives but shall report the facts or information in accordance with Department procedures.

20. TRANSACTING WITH PRISONERS, SUSPECTS

No officer shall knowingly buy or accept any article for personal disposition from any suspect or prisoner or from any associate of any suspect or prisoner.

21. TOBACCO USE

The use of smoking tobacco will not be permitted while in public view except while on authorized breaks. The use of smoking tobacco is not permitted in Department vehicles or City-owned buildings.

The use of chewing tobacco may be used, at the discretion of the Chief of Police, in the squad room only, and discreetly. No spitting of tobacco juice or used tobacco is permitted in public.

22. PERSONAL RELATIONSHIPS IN THE WORKPLACE

The purpose of this Policy is to establish guidelines for personal relationships that develop between coworkers.

This Policy shall apply to all City employees. In cases of a conflict with a Collective Bargaining Agreement, that agreement will be the controlling document.

The First Amendment allows anyone to associate with anyone else he or she desires. It is natural for people who meet in the workplace to sometimes become romantically involved, and it is not the City's intent to interfere with any dating relationship. Any involvement between employees must be voluntary and desired by both parties. However, many problems have developed in the workplace because of dating relationships, and they can interfere with the goal of having a sound professional work environment. It is not inappropriate for a person to ask out a coworker. However, if a member does not want to go out with another employee, it is imperative that the member's response to the request is firm and definite. After this firm, definite response has been made, it is inappropriate for the requesting party to make any further attempt to initiate a dating relationship. Repeated request for a dating relationship constitutes sexual harassment. It is also inappropriate for any relationship to interfere with normal work operations in any manner.

Personnel who desire to become involved with someone in the workplace must be aware of the following guidelines:

- There shall be no dating activities during normal working hours on City-owned property.
- There shall be no use of City-owned property to arrange dating activities.
- All behavior between employees shall be behavior conducive to a sound professional work environment at all times when on City property or during normal business hours. Hand-holding, kissing, hugging, sexual comments, and other behavior generally associated with a dating relationship are inappropriate during normal business hours or on City-owned property.
- Any relationship involving personnel at different levels on the chain of command (or where one party has functional supervision over another) shall be reported by the person of higher rank to his or her supervisor immediately. Failure to report this relationship is a violation of this Policy. The supervisor or manager receiving this information shall immediately contact the Department Manager and inform him or her of the relationship. The Department Manager shall contact the City Manager and make recommendations to ensure that this relationship will not detract from a sound professional work environment. Such recommendations may include the transfer of an employee to another unit or another shift.

CHAPTER 4 – SWORN PERSONNEL DRUG AND ALCOHOL POLICY

SECTION 1 – PURPOSE

As an employer, the City of The Dalles has a responsibility to its employees, to those who use its services, and to the general public to ensure safe operating and working conditions. The use of intoxicants, including drugs and alcohol, whether on or off the job, may constitute a serious threat to the health and safety of the public, to the safety of fellow officers, and to efficient operation of the Police Department. To satisfy these responsibilities, the City expects to have a work environment where employees are completely free from the effects of drugs, alcohol, or other impairing substances which are capable of impairing the judgment of an employee.

Employees are expected to report to work in such a condition as to perform their duties in a safe, effective, and efficient manner. At all times, both on and off duty, members of the Police Department are expected to abide by the laws of the United States, the State of Oregon, other states they enter, as well as any local laws, regulations, or ordinances. An employee's "privacy" right or right to a "personal life" does not mean that the employee has the "right" to violate the laws this Department is responsible for upholding or otherwise endanger himself or herself or his or her coworkers by working under the influence of intoxicants. Violations of this Policy may result in discipline, up to and including immediate termination.

The City recognizes each individual's value and contribution to the services it provides to the public. Due to concern for the safety and welfare of its employees, this Policy also provides for assistance to employees who wish to overcome an alcohol or drug dependency problem, and the City's health insurance program and Employee Assistance Program may be available to assist employees and their families in these situations. Employees suffering from alcohol and/or drug dependency or abuse are encouraged to seek substance abuse counseling and rehabilitation through the Employee Assistance Program or health plan providers. All treatment information is confidential. The employee's voluntary disclosure of treatment will not be the impetus for disciplinary action. However, such voluntary disclosure will not absolve the employee from discipline if disclosed after the testing or discipline process has commenced, nor will it prevent the employee from being disciplined for any conduct which is discovered to have violated this Policy including, but not limited to, unlawfully buying, selling, manufacturing, cultivating, transporting, possessing, dispensing, or using intoxicants or any controlled substances at any time, whether on or off the job.

SECTION 2 – PROGRAM APPLICATION

This Policy shall apply to all employees of the Police Department. Prior City policies in this area are repealed to the extent they applied to employees of the Police Department.

SECTION 3 – DEFINITIONS

Drug and Alcohol Test – The compulsory production and submission of urine, breath, or blood by an employee for chemical analysis to detect intoxicants.

Controlled Substances – Are defined as all forms of narcotics, depressants, stimulants, hallucinogens, and cannabis, whose sale, purchase, transfer, use, or possession is prohibited or restricted by law.

Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and as further defined by 21 CFR 1300.11 through 1300.15, identify such substances.

Intoxicants – Any alcohol, controlled substance, over-the-counter drug, prescription drug, or other impairing substance.

Over-The-Counter Drugs – Are those which are generally available without a prescription from a medical doctor and are limited to those drugs which are capable of impairing the judgment of an employee to safely perform his or her duties. It is the employee's responsibility to determine whether or not any particular over-the-counter drug is safe for use.

Prescription Drugs – Are defined as those drugs which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner, physician, or dentist. ·

Reasonable Suspicion – That quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific factual and articulable observations concerning the work performance, appearance, behavior, objective facts, and derived inferences from these facts about the conduct of an individual that would lead the reasonable person to suspect that the individual is or has been using drugs or alcohol while on or off duty.

Substance Abuse Professional (SAP) – Is any licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

SECTION 4 – EDUCATION AND TRAINING

1. EMPLOYEE EDUCATION

Employees will be furnished with educational materials that explain the requirements of the workplace Drug and Alcohol Policy. Employees will be required to sign a form acknowledging receipt of this information. Employees hired for or transferred into an applicable job position will receive specific information on the topics listed above and be required to sign a form acknowledging receipt of this information.

2. REASONABLE SUSPICION TRAINING

Anyone who may be required to make "reasonable suspicion" determinations must have training on standardized field sobriety testing which qualifies him or her to recognize the physical, behavioral, speech, and performance indicators of probable alcohol and controlled substance use.

SECTION 5 – PROCEDURES AND RULES

1. PROHIBITED CONDUCT

Except as authorized by Department policy for job-related reasons (such as an officer in an undercover assignment), the following conduct is strictly prohibited and may subject an employee to immediate discipline, up to and including immediate discharge:

- Unlawful buying, selling, manufacturing, cultivating, transporting, possessing, dispensing, or using intoxicants or any controlled substances at any time, whether on or off the job

- Reporting for normally assigned work with a detectable odor of alcohol on the breath, any detectable amount of alcohol in the body (as validated by a second test) which results from the consumption of intoxicants, or when an employee has a detectable amount of any intoxicant or controlled substance found in employee's body (but excluding any substance lawfully prescribed for the employee's use if used in accordance with Chapter 4, Section 5.3 – Use of Prescription Drugs)
- Using any prescription drug at a time or in a manner not specifically called for by the prescribing physician. In addition, failing to advise the prescribing physician of the fact that he or she is subject to a drug testing policy, and seeking assurance from the prescribing physician that the substance in question may be taken without violation of this Policy
- Failing to notify the shift supervisor of intoxicants which he or she knows, or reasonably should know, might impair his or her ability to operate vehicles, safely use firearms and other equipment, or lawfully and safely carry out his or her duties and responsibilities, as prescribed in Section 5.5 below
- Failing to notify the shift supervisor of an employee's arrest, citation, or charges which allege unlawful buying, selling, manufacturing, cultivating, transporting, possessing, dispensing, or using intoxicants or any controlled substances

2. SEARCHES

By City authority, the City shall have the right to conduct searches and inspections of any and all City-owned, leased, or controlled facilities, properties, vehicles, and equipment. This shall include the right to search or inspect City-owned, leased, or controlled desks, lockers, file cabinets, vehicles and the like, which are assigned to and normally subject to the exclusive use and control of a single employee. The City may also search or inspect any object including, but not limited to, vehicles, briefcases, and lunch boxes brought onto City-owned, leased, or controlled properties or other City job sites, if there is reasonable suspicion that alcohol or a controlled substance will be found. Refusal by the employee to submit to and cooperate with a properly authorized search or inspection shall be cause for disciplinary action.

3. USE OF PRESCRIPTION DRUGS

The use of any prescription drug at a time or in a manner not specifically called for by the prescribing physician is prohibited. In addition, when a prescription is obtained, the employee shall advise the prescribing physician of the fact that he or she is subject to a drug testing Policy, and seek assurance from the prescribing physician that the substance in question may be taken without violation of this Policy.

4. OFF-DUTY CONSUMPTION OF INTOXICANTS

All employees shall report to work, at all times, free of intoxicants, and in no event will the employee consume any kind of alcoholic beverage within four (4) hours of his or her scheduled reporting time for work, while on duty, or during any break, meal, rest period, or other interruption of work. When an employee is placed on standby for possible call out, he or she shall consume no intoxicant for the duration of such standby period. It is the responsibility of the employee to ensure that any medication, mouthwash, food, candy, or other substance that he or she consumes prior to work and while on the job does not contain intoxicants.

5. NOTIFICATION OF IMPAIRMENT PRIOR TO DUTY

Employees are required to notify the shift supervisor prior to reporting for duty when they have taken prescription medications, over-the-counter drugs, alcohol, or other intoxicants which they know, or reasonably should know, might impair their ability to operate vehicles, safely use firearms and other equipment, or lawfully and safely carry out their duties and responsibilities. The City does not request the name of the medicine or the condition for which it is prescribed, only notification of relevant warnings or concerns of impairment.

6. NOTIFICATION OF INTOXICANT-RELATED ARREST

By City authority, an employee who is arrested, cited, or otherwise served with charges which allege the unlawful buying, selling, manufacturing, cultivating, transporting, possessing, dispensing, or using of intoxicants or any controlled substance, shall immediately notify his or her shift supervisor of the arrest, citation, or service of the charges. Such arrest, citation, or service of charges shall not in or of itself serve as the basis for disciplinary action against the employee. The City may, however, conduct its own investigation of the incident in question and may initiate disciplinary action based on the findings of that investigation. In addition, any such arrest, citation, or service of charges shall give the City the right to conduct reasonable suspicion testing under Chapter 4, Section 6.2 – Grounds for Testing and/or refer the employee to a Substance Abuse Professional (SAP) for an evaluation.

7. COMPLIANCE WITH POLICY

Any employee who refuses to comply with a properly requested drug or alcohol test or to provide notifications required under this Policy shall immediately be removed from duty and shall be subject to discharge, by City authority. Refusal can include, but is not limited to, an inability to provide a sufficient urine specimen or breath or blood sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test. By City authority, any employee who is suspected or found to have provided false information in connection with a test and/or falsified results through tampering, contaminating, adulterating, or substituting, will be required to undergo an additional observed collection, and may be subject to disciplinary action up to and including discharge. Violations of other terms and conditions of this Policy shall also be the basis for possible disciplinary action.

8. PROPER APPLICATION OF THE POLICY

The City is dedicated to ensuring fair and equitable application of this Sworn Personnel Drug and Alcohol Policy. By City authority, employees who violate this Policy may be subject to disciplinary action, up to and including termination. Therefore, supervisors/managers are required to use and apply all aspects of this Policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this Policy, or who is found to deliberately misuse the Policy in regard to subordinates, could be subject to disciplinary action, up to and including termination.

SECTION 6 – TESTING PROCEDURES

1. TESTING MECHANISMS

The following testing mechanisms shall be used for any test for intoxicants or controlled substances performed on members of the Department:

- Any urine screening shall be performed using Gas Chromatography/Mass Spectrometry (GC/MS) or other such test with a higher rate of reliability than the GC/MS test.
- Alcohol testing may include standard field sobriety tests, breath tests, and/or standard laboratory urine or blood sample tests.

2. GROUNDS FOR TESTING

Pre-Employment Testing

All applicants shall undergo drug testing immediately following the offer of employment or transfer into another Department position. Receipt by the City of a negative drug test result is required prior to employment. Evidence of the absence of drug dependency from a SAP that meets with the approval of the City and a negative pre-employment drug test will be required prior to further consideration for employment. The cost for the assessment and any subsequent treatment will be the sole responsibility of the individual.

Reasonable Suspicion Testing

All employees shall be subject to a fitness-for-duty evaluation and drug testing when there is reasonable suspicion to believe that drug or alcohol use is adversely affecting job performance. Reasonable suspicion referrals must be made by someone who has received training to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that the employee may be adversely affected or impaired in performance due to drug or alcohol use. The determination that reasonable suspicion exists to require alcohol or controlled substances testing must be based on specific, contemporaneous, articulable observation concerning the appearance, behavior, speech, or body odors of the employee. A written record shall be made of the observations leading to an alcohol or controlled substance reasonable suspicion test, and signed by the individual who made the observations. This must be done within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier. Observations may include indications of the chronic and withdrawal effects of controlled substances.

Post-Accident Testing

Employees shall be required to undergo drug and alcohol testing if they are involved in an accident with a City of The Dalles vehicle that results in a fatality. This includes all surviving employees who are on duty and in the vehicle(s) involved in the accident, and any other employees whose performances could have contributed to the accident. In addition, post-accident drug and alcohol testing will be conducted for any employee who receives a citation under state or local law for a moving traffic violation as a result of an accident, or if the City determines that there is probable cause to believe that the actions of the employee(s) involved materially contributed to the accident.

Employees involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until they undergo a post-accident alcohol test. Employees who leave the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing shall be considered to have refused the test.

Random Testing

Random testing of any kind is prohibited, unless pursuant to a last chance agreement entered between the City and the employee.

3. PROCEDURES TO BE USED WHEN A BLOOD OR URINE SAMPLE IS GIVEN

Each step in the collecting and processing of the urine or blood specimens shall be documented to establish procedural integrity and a chain of custody. The following procedures shall be used whenever an employee is requested to give a blood or urine sample:

- Prior to testing, the employee will be required to list all prescribed medications, controlled substances, and/or over-the-counter medication currently being used. Prescribed medications or controlled substances listed must be substantiated by written communication from the attending physician.
- Immediately after the sample is given, it will be divided into two (2) equal parts. Each of the two (2) portions of the sample will be separately sealed, labeled, and stored in a secure and refrigerated atmosphere. One (1) of the samples will be tested by a lab designated by the City. The other sample will be held by such a lab for the employee, until the employee either instructs that it be sent to their designated lab or destroyed.
- Testing shall be conducted in a manner so as to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (HHS). The test shall be administered in such a manner as to protect the authenticity and reliability of the sample and the privacy of the individual.
- The testing is a two-stage process. First, a screening test shall be performed using any of the screening procedures set forth in Section 6.1 of this Policy. If it is positive for one or more of the drugs, then a confirmation test shall be performed for each identified drug using state-of-the-art gas chromatography/mass spectrometry (GC/MS) analysis. GC/MS confirmation ensures that over-the-counter medications or preparations are not reported as positive results.

If the test is positive for the presence of any intoxicants or controlled substances, the employee will be notified of the positive results within 24 hours after the City learns of the results and will be provided with copies of all documents pertinent to the test sent to or from the City by the laboratory. The employee will then have the option, at his or her own expense, of having the untested sample submitted to a laboratory of the employee's own choosing which meets the standards specified in this Policy. The employee has 72 hours after being notified of a positive test result to request a test of the "split" specimen, which will then be sent to another HHS-certified lab for testing.

4. CONFIDENTIALITY OF TEST RESULTS

The City of The Dalles affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. The City recognizes that drug and alcohol concerns are sensitive in nature. Employees should also understand that some discussion of positive test results, dependency problems, and rehabilitation concerns are of vital importance to certain people inside and outside the City and may be necessary. All results of drug and alcohol testing will be submitted to the City under the supervision of the City Manager who shall act as custodian of all screening information. All records will be maintained in a separate, secure medical file in City Hall. The City Manager, and persons designated by the Manager, shall receive notification of test results and have access to records. Except as required by law, no records shall be released to anyone other than the employee and authorized City representatives without the employee's written consent.

SECTION 7 – POSITIVE TEST RESULTS

1. EMPLOYEE PLACED ON LEAVE

Upon receipt of a positive drug or alcohol test result, the employee shall be placed on leave pending possible discharge. By City authority, such leave shall be without pay unless the employee chooses to use accumulated compensatory or vacation time. The City will credit any leave the employee was required to use from his or her account if a follow-up test results in a finding of no violation. The purpose of the leave shall be to provide an opportunity for a second test, as provided in Chapter 4, Section 6.3 – Procedures To Be Used When A Blood Or Urine Sample Is Given, hereof, to consult with a SAP, if desired and, when applicable, to enter into a return-to-work agreement.

2. SECOND TEST

If a second drug test is conducted on the split sample and if the results are negative, the employee shall be reinstated in his or her job without loss of seniority, and without loss of pay or benefits for the period of the leave. If the second test is negative, any time charged to vacation or to the employee's compensatory time account shall be reinstated.

3. REFERRAL TO A SUBSTANCE ABUSE PROFESSIONAL

When the employee is placed on leave, he or she shall also be encouraged to consult with a City-approved SAP. Unless requested by the City, in which case the cost shall be paid by the City, the cost of any consultation shall be paid by the employee or covered by medical insurance. The purpose of such consultation shall be to determine whether or not the positive drug or alcohol test was the result of the employee's addiction to alcohol or drugs. The City shall maintain a listing of currently approved SAPs and shall also provide any available information as to whether or not the SAP is approved for insurance carrier coverage of the cost of his or her services. The City shall have access to all information developed from examinations and consultations for which it pays the cost.

4. RETURN-TO-WORK AGREEMENT

At the sole discretion of the City in situations which do not involve unlawful conduct in violation of this Policy, if the SAP's evaluation of the employee indicates the presence of an addiction to drugs and/or alcohol, and if the employee is willing to make a commitment to complete a treatment program specifically designed to address his or her needs, the City and the employee may enter into a return-to-work agreement whereby the employee will be allowed to return to City employment when he or she successfully completes that portion of the treatment plan which is required prior to returning to work..

Upon returning to work following treatment for drug and/or alcohol addiction, any employee who fails to continue to conform to all remaining applicable terms and conditions of the return-to-work agreement, or who tests positive in a subsequent drug or alcohol test, will be subject to discharge.

In addition to the drug and alcohol testing applicable to all employees covered by this Policy, an employee who is subject to a return-to-work agreement shall undergo drug and/or alcohol testing upon returning to work, and shall be subject to unannounced follow-up drug and/or alcohol testing. The number and frequency of such follow-up testing shall be as directed by the Substance Abuse Professional and the City, but shall consist of at least six (6) tests in the first twelve (12) months following the employee's return to duty. The requirement for follow-up testing may extend for up to 60 months from the employee's return to duty.

SECTION 8 – PAYMENT OF PROGRAM COSTS

The City will pay for the cost of all drug and alcohol testing conducted under the provisions of Chapter 4, 6.2 - Grounds for Testing of this Policy. Hourly employees shall be paid for all time required for traveling to the testing site, conducting the test and/or rendering the sample, and returning from the testing site at their regular straight time or overtime rate as applicable. The time required for job applicant testing shall not be paid unless the applicant is a City employee at the time of the test.

Employee-requested testing under Chapter 4, Section 6.3 – Procedures To Be Used When A Blood or Urine Sample Is Given of this Policy shall be paid for by the employee.

The cost of all drug and alcohol testing required pursuant to a return-to-work agreement under Chapter 4, Section 7.4 – Return-to-Work Agreement of this Policy shall be paid by the employee and all time associated with such testing shall not be compensated. All treatment program costs shall be paid by the employee except as may be reimbursed by medical or other insurance.

SECTION 9 – INFORMATION RESOURCES

Information on this Policy and associated procedures is available from City Human Resources.

SECTION 10 – TERMINATION/SAVINGS CLAUSE

1. SAVINGS

If any court with jurisdiction over the City of The Dalles determines that any portion of this Policy is unlawful and unenforceable, the unlawful and unenforceable provision of this Policy shall be terminated, but the provisions of this Policy which are not directly affected by the determination of the court shall remain in full force and effect. Upon the issuance of such a determination, the Department may develop a substitute provision for the terminated provision, subject to any applicable duty to bargain.

2. CERTIFICATE OF RECEIPT

As a condition of employment, each employee subject to the requirements of this Policy is required to sign the attached statement certifying that he or she has received a copy of the Policy. The original of the signed certificate will be maintained in the employee's official personnel file. Upon request, the employee shall be provided a copy of the signed certificate for his or her personal records.

CITY OF THE DALLES

POLICIES FOR:

CITY OF THE DALLES POLICY AND PROCEDURES
FOR A DRUG AND ALCOHOL TESTING PROGRAM

CERTIFICATE OF RECEIPT

I, the undersigned employee of the City of The Dalles, hereby certify that I have received a copy of the written City policy and procedures pertaining to drug and alcohol testing of City employees, revised as of December 6, 2017. I understand that the original of this certificate will be placed in my official Personnel File as a record documenting my receipt of said policy and procedures.

Name (please print): _____

Signature: _____

Date: _____

CHAPTER 5 – GENERAL OPERATIONS

SECTION 1 – DEPARTMENT ORDERS AND DIRECTIVES

The City of The Dalles Police Department will maintain an organized, formatted, and indexed Policy Manual that is continually updated to remain current.

The Manual will include chapters, sections, and subsections that are all numerically ordered. Manual changes and updates will be archived rather than purged, and maintained in the Policy revision history.

Policy updates are distributed through the Policy management system and employees will demonstrate knowledge by a test or acknowledgement that the Policy has been read and understood.

For changes to policies not covered in the collective bargaining agreement or process, employees will be given seven days to review and give written input and comment for consideration.

The City of The Dalles Police Department issues and makes available a digital copy of Manuals to each member of the Department containing policies, procedures and work rules. If additions, updates, changes, or corrections are made to the Manual, all members will be notified via email or other forms of digital notification. It is the responsibility of all members to acknowledge these changes and stay current with any Policy updates or changes.

Members of the Department shall familiarize themselves with, and conform to, the Policy, regulations, directives, and procedures of the Department.

1. SPECIAL ORDERS AND WRITTEN DIRECTIVES

A special order or written directive is a directive issued by the Chief of Police or Captain pertaining to the entire Department that establishes or changes Policy or procedure.

Special orders will be numbered independently but sequentially by year and number of the order, such as 23-01; 23-02, etc.

Special orders will be emailed to all members, and a copy will be posted in a designated area of the squad room or distributed electronically through the Policy management software.

2. MEMORANDUM

A memorandum is a professional document written by any member of the Department or City to any other member of the Department or City. All memorandums will be written on Department letterhead and signed. Any memo written to members outside of the Department will be approved by a supervisor prior to sending.

3. ORDER

Commanding officers or shift supervisors may issue verbal or written orders to members of their immediate command. These orders will be effective as long as they are lawful and do not conflict with any directives issued by the Chief of Police. Employees are to obey lawful orders of a supervisor, including any order relayed from a supervisor by an employee of the same or lesser rank, regardless of the manner of transmission.

4. WHEN A DIRECTIVE OR PROCEDURE IS NOT UNDERSTOOD

A member who does not understand an official directive or procedure shall seek the advice of his or her supervisor to ensure clear understanding.

5. SUPERVISOR RESPONSIBILITIES

Commanding officers will be responsible for the complete functioning of their assigned shift. This includes the appearance, demeanor, and discipline of the shift, and the care and operation of the equipment assigned to the shift.

Supervisory members shall enforce the policies of the Department and shall ensure the proper conformity to Department directives and procedures.

Supervisory members shall take immediate corrective action when the conduct of Department members is contrary to the public interest, the good reputation, or proper operation of the Department. When immediate action is required, the supervisor observing the behavior will take corrective action without regard to the unit or shift of the offending member. The supervisor will take corrective action as appropriate, even if the offending member generally reports to a different supervisor.

Supervisors will conduct disciplinary investigations and take disciplinary action in accordance with the police association contract. Command personnel will be informed of such investigations or disciplinary action. Documentation related to any disciplinary action will be forwarded to the City's Human Resources Director.

Command or staff meetings will be attended by all those members with the rank of Sergeant or above.

6. MANNER OF ISSUING ORDERS

Orders from supervisors or command officers to members of the Department shall be clear and understandable, and delivered in a civil tone.

7. UNLAWFUL ORDERS

No command officer or supervisor shall issue any order which is in violation of any law or Department rule, regulation, directive, or procedure.

8. OBEDIENCE TO UNLAWFUL OR IMPROPER ORDERS

Obedience to an unlawful or improper order is never a defense for an unlawful or improper action, and no member is required to obey an order which is improper or contrary to federal, state, or local laws; Department rules; directives; or procedures.

Responsibility for refusal to obey an order rests with the refusing member, who shall be required to justify his or her actions. Failure to do so shall be considered a violation of Policy.

9. REPORTING OF UNLAWFUL ORDERS

A member receiving an unlawful or improper order shall, at the first opportunity, report in writing to the Chief of Police through official channels. This report shall contain the facts of the incident and the action taken.

10. CONFLICTING ORDERS

Upon receipt of an order from a supervisor conflicting with any previous order or instruction, the member affected shall advise the supervisor issuing the last order of this fact in writing.

Responsibility for countermanding the original instruction then rests with the supervisor issuing the last order.

If so directed by a supervisor, the latter command shall be obeyed first, unless the command is unlawful or improper.

Orders shall be countermanded only when necessary for the proper accomplishment of Department responsibilities.

11. SUPERVISORY MEMBERS

Members shall promptly obey the legitimate orders of supervisors and other members assigned to act in a supervisory capacity. Failure to obey a lawful order of a supervisor is considered to be a serious matter, and may result in progressive discipline, up to and including termination.

12. DELEGATED AUTHORITY AND RESPONSIBILITY

A member who is delegated responsibility for performance of a specific task or function shall be granted the authority to perform the task or function. The responsible member shall be held accountable for the performance of the function, expenditure of resources, and results.

SECTION 2 – CHAIN OF COMMAND

Department members shall normally conduct official business through channels, from superior to subordinate and vice versa. Lateral communication is encouraged with the chain of command informed of significant matters by those involved.

The established order of rank for members of the Police Department in descending order is: Chief of Police, Captain, Sergeant, Police Officer, Reserve, and civilian employee.

This chain exists to implement principles of good administration and shall not be bypassed by personnel except in cases of emergency or where authorized by directives.

1. OFFICER IN CHARGE

When two or more members of equal rank are on duty at the same time, the member with the longest service in rank shall be in charge, except when otherwise directed by a supervisor.

2. DEPARTMENT PROJECTS

Department projects may be assigned by the Chief of Police to Department members, whose experience and training or specialized knowledge can make significant contributions to the Department and community as a whole. Examples of projects could include, but are not limited to, community talks, school talks, lockdown drill participation, business building security overviews, and active shooter planning.

3. SUGGESTIONS CONCERNING DEPARTMENT OPERATIONS

Members are encouraged to make suggestions in respect to Department operations, policies, or procedures by submitting a memorandum and addressing the same to the Chief of Police and forwarding it through the normal chain of command.

The Chief of Police shall refer the report to the appropriate section or member for action. The section supervisor shall, as soon as is practical, respond to the suggesting member and the Chief of Police, indicating the action recommended to be taken on the suggestion.

Members wishing to register requests or complaints which do not require action from members of the Department in the normal chain of command may do so by directing such topics directly to the Chief of Police.

SECTION 3 – GENERAL MEMBER RESPONSIBILITIES

1. PROVIDE TELEPHONE NUMBER AND ADDRESS

Members of the Department shall have telephone service and shall provide the Department with their current number.

Every member of the Department shall keep the Department informed of the member's current place of residence.

Members will report any change of address or phone number to the Captain immediately.

The administrative staff is responsible for maintaining a list of all Department members, and their phone numbers and addresses.

Department members will treat the address and personal phone number of other members as confidential information.

2. LOCATION OF RESIDENCE

Members shall live within forty-five (45) minutes, driving at the applicable speed limits, of The Dalles Police Department. Exceptions may be granted by the Chief of Police.

3. TELEPHONE PROCEDURE

Members receiving requests for the personal telephone number of another member shall explain that Department policy does not permit the release of members' personal telephone numbers. A message will be taken from the caller and forwarded to the officer.

Personal long-distance phone calls on Department billing shall not be made.

Members of the Department who are issued cellular phones will not use phone or phone data (to include email or websites) for sexually explicit material unless this type of usage is for law enforcement purposes and fully documented in a police report or investigation.

Abuse of cellular phones by excessive or inappropriate personal use will result in disciplinary action.

SECTION 4 – OPERATIONS WORK/SHIFT SCHEDULES

The Captain will assign a Sergeant to develop and maintain an annual schedule. The schedule for the following year will be completed and distributed no later than November 1st. The assigned Sergeant will be responsible for keeping the schedule up-to-date to reflect coverage for vacations, sick leave, injuries, reassignments, and any other changes that affect shift coverage.

An official/master schedule will be published electronically. The official schedule will be kept up-to-date by Sergeants approving vacation, overtime, other time off, shift coverage, and sick time usage. These changes will be made immediately which will reflect in real-time electronically.

Officers will have viewing rights. Supervisors will have editing rights and will make appropriate changes when approving vacation requests, being notified of illness, and approving training.

The schedule will be considered confidential; however, members outside this agency with a legitimate need to know (prosecutors, payroll, and Dispatch) may be granted viewing rights.

1. WORKING HOURS

Members shall work the hours assigned unless excused by their commanding officer. The Dalles Police Department shall ensure that qualified personnel are available 24 hours a day, every day of the year, to process crime scenes, traffic accident scenes, respond to calls for service, and process other investigative scenes.

2. LUNCH AND COFFEE BREAKS

Police officers will take lunch and coffee breaks in accordance with the association contract whenever the situation permits. Members are subject to call, and are required to leave lunch, in the event of an emergency call or an incident where response by the member on lunch break is required for officer or public safety.

Supervisors will assure coordination among officers in regard to timing of breaks so that sufficient officers remain in service. Generally, multiple officers will not be on lunch breaks at the same time when doing so would leave less than 2 members working patrol.

When going on lunch or break, members assigned to patrol will notify Dispatch of their location and status. Normally, this can be accomplished via Mobile Data Terminal. The member will monitor radio traffic for emergency calls or calls where the member must leave lunch and respond immediately for officer or public safety.

3. ATTENDANCE, ABSENCE WITHOUT LEAVE

Members who are scheduled to be on duty shall report for duty in accordance with their current schedule or upon orders of a supervisor. Members who are unable to report for duty as scheduled shall notify a supervisor in advance of the scheduled reporting time, and shall provide the reason for the inability to

report. The supervisor shall take appropriate action to determine if the reason for not reporting is valid. Members who are not present for duty and have not received prior authorization to be absent from their scheduled duty assignment, or have not made prior notification to their supervisor as required, will be considered absent without leave and subject to the disciplinary process. Notifying Dispatch is not acceptable.

4. DEATH, INJURY, OR EMOTIONAL TRAUMA

This Policy establishes procedure for the proper reporting of on-duty injuries to a Department member; the notification of command personnel and relatives in the event of injury or death to a Department member; and the availability of counseling for members suffering from the emotional distress due to traumatic situations.

Injury, as defined within the context of this procedure, means any physical or emotional trauma sustained by a member while performing duties as a member of the Department.

A member suffering any type of on-duty injury shall immediately notify a supervisor and then complete the City injury form. If medical attention is received, the member will complete a Workers' Compensation Claim Form 801 and submit it to the Captain.

The Chief of Police or his or her designee, the ranking on-duty operations supervisor, and Captain shall be notified immediately when there is a death or serious injury to any member of the Department.

If applicable, notification of the member's family shall be made in accordance with the injured officer's instructions. If there are no instructions available, notification shall be in person by the ranking on-duty supervisor. Assistance shall be given to the family in any appropriate way.

A supervisor will complete a City Incident/Accident Report form and forward the report to the Captain. The report will include a full description of the circumstances surrounding the incident including the names of any witnesses.

5. EMOTIONAL TRAUMA

The Department recognizes that inherent in every incident in which lethal force is used by, or in the presence of, a member, and in certain other traumatic situations, there is a potential for great emotional distress. It is well established that emotional problems can stem from such incidents without the involved members being conscious of it. It is the Department's Policy that all members directly involved in such incidents receive a "debriefing" type of counseling as soon as possible after the incident.

Counselors will be provided at City expense to those officers who wish to utilize counselors. Such sessions shall be confidential.

6. TIME SHEETS

By the end of shift begun on the 21st of each month, members must ensure all overtime forms and time off forms for the pay period have been submitted, and that the member's timesheet has been completed accurately and has been submitted.

The time sheet shall be an accurate reflection of the hours worked and time off taken.

7. CHECKING LOGS, EMAIL

As part of the daily briefing process, each Department member shall read the daily logs and teletypes. If priority calls for service interfere with the daily briefing, the officer needs to complete the daily briefing process as soon as possible.

Each Department member shall check voice mail, email, and the contents of the member's in-box at the beginning of, and prior to, the end of each scheduled work day.

8. COMPLETION OF REPORTS

All police reports and associated paperwork will be completed before an officer goes on days off or before leaving for training.

All police reports and associated paperwork regarding incidents where a person has been arrested or cited will be completed prior to the end of the work day. Exceptions to this rule are complex felony investigations where a supervisor has arranged for the completion of felony complaints with the District Attorney's Office. A supervisor may also grant an exception only when doing so would not prevent the report being delivered to the prosecuting attorney by the beginning of the next business day. If such an exception is granted, the partly completed report should be placed in the report basket, marked To Be Continued, and an indication of who approved the exception.

9. PROBABLE CAUSE STATEMENTS

Probable cause (PC) reports shall be completed at the jail whenever a person is taken into custody when he or she will not be appearing before a magistrate within the next 24 hours (except warrants). This report should be brief, but must contain elements of the crime and sufficient information for the Judge to determine probable cause exists to charge the defendant on all counts.

10. SERVING SUBPOENAS

Each officer will check the "to be served" box daily so that subpoenas and other legal documents will be served promptly.

11. DEPARTMENT ACCESS

Keys, cards or other access methods to vehicles and to buildings will be provided by the Captain. No member will duplicate a key, card or access method to a Department building, vehicle, or other lock without permission from the Captain.

12. BUILDING SECURITY

During business hours, members are expected to keep doors separating public and private areas of the building locked. After business hours, members are expected to keep all external doors locked.

Any time a member of the public is in the private area of the Department (interview room for example), the officer who invited the citizen into the building will ensure the citizen is supervised by a Department member and escorted at all times.

Members will ensure lockers are kept locked when not being accessed.

Members will ensure all firearms are kept in designated areas, and those areas are kept locked.

Members will ensure all confidential information, including CJIS information, or systems are kept secure (See also Chapter 28 – Media and Press Release).

The on-duty patrol supervisor or senior officer shall be responsible for facility security.

13. UTILIZATION OF THE POLICE GARAGE

In order to minimize the risk of backing accidents while leaving in a hurry, emergency vehicles (marked patrol cars) will be backed into designated parking spots.

Excessive idling of vehicle engines is not allowed in the police garage due to the buildup of carbon monoxide. Vehicle engines should never be idled to charge the battery. A battery charger is provided for this purpose.

Police vehicles will always be parked inside the garage during day shift Monday-Friday unless it is a holiday, to stay in compliance with the Downtown Parking Ordinance.

Vehicles in the garage will remain locked.

Vehicle speed shall be kept to a minimum inside the police garage, even when responding to emergency calls; speed inside the garage should be the same as when responding to non-emergency calls.

Parking inside the garage is for City-owned vehicles.

The parking of personal vehicles inside the garage is at the discretion of the Chief of Police and is revocable at any time. Parking of personal vehicles is on a first-come first-served basis. Any personal vehicle that leaks oil or other fluids will not be parked in the police garage.

A garage parking waiver must be signed and returned to the Chief of Police before parking a personally-owned vehicle in the police garage. This can be a memorandum explaining the need and describing the vehicle.

The City will not be responsible for damage to personally-owned vehicles parked inside the police garage.

At no time will an officer park a personal vehicle in front of or blocking the exit of any City-owned vehicle.

14. PERSONAL PROBLEMS AND COUNSELING SERVICES

The Department shall assist any member in resolving a personal problem which may impair the member's ability to meet the demands of employment. The Chief of Police is available by appointment to all personnel for assistance with personal problems.

The Chief of Police may authorize professional counseling by referral. Any Department member requesting such services can contact the Captain who shall make the necessary arrangements.

A member may seek the advice of any superior officer.

Contacts with a professional referral service concerning personal matters are confidential but, upon a member's request, the referral service or the member's supervisor may inform the Chief of Police and request his or her consideration.

15. PERSONALITY CLASHES

Any member of the Department having a personality problem involving another member, which cannot be resolved amicably, may consult his or her immediate supervisor, the Captain, or the Chief of Police.

16. PERSONAL PROPERTY REIMBURSEMENT

It shall be the policy of the Department to reimburse for the following items to which damage occurs as a result of duty-related incidents:

- Wristwatch
- Eyeglasses
- Damage to personal clothing or cleaning when necessary

Other damage or destroyed property will be considered on a case-by-case basis.

In order to qualify for reimbursement, the loss must result from either an incident involving an assailant or an incident such as a traffic accident. Abuse or damage attributed to the member's own carelessness does not qualify.

In the event a member suffers damage to personal property which qualifies for reimbursement, the member shall describe the circumstances surrounding the loss, have the loss verified in writing by a supervisor, and submit the report and any receipts for repair to the Captain for reimbursement.

17. PRIVATE BUSINESS

Except for essential personal transactions, no member shall conduct private business while on duty. Lunch periods are excluded.

18. PEDDLING AND SOLICITING IN DEPARTMENT AREAS PROHIBITED

Peddling or soliciting is prohibited in Department facilities, except by recognized charitable organizations.

19. LOITERING BY PUBLIC

Members shall not permit persons to remain in a police facility or vehicle unless they are on official business.

SECTION 5 – INFORMATION DESK

The information desk shall be located in the front office of the Police Department and shall be staffed by the administrative staff assigned to this area.

- The administrative staff on day shift will be responsible for instructions on records and other duties of the Records Department.
- Supervisor duties shall be assumed by the Captain to ensure that the information desk is staffed Monday through Friday from 8:00 a.m. until 5:00 p.m. The supervisor shall also arrange for desk relief. In unusual or exceptional circumstances, the desk may be closed temporarily during work hours.

Information desk members shall be responsible for the following activities:

- Respond to questions by telephone or citizen walk-ins that are police related or civil in nature
- Take non-investigatory reports by telephone and from walk-in complaints as workload allows
- Refer citizens to proper agencies for the type of problem encountered when not police related
- Maintain positive community relations
- Record and relay messages for Department members
- Redact and send logs and/or reports to appropriate person(s) requesting them
- Record and file information to the record unit at the end of each shift
- Upon request, provide civilian ride-along forms and information on the Department civilian ride-along program, then forward the completed form to the Captain
- Respond to press inquiries and information requests in compliance with policy
- Maintain the supply of report forms for use at the information desk
- Maintain a clean, professional and orderly work area
- Maintain an alarm list and issue new alarm permits as necessary, along with handling renewal of alarms yearly
- Copy and forward Department of Motor Vehicle reports to DMV monthly
- Ensure that all members of the Department are LEDS-certified and complete their recertification when necessary
- Ensure that the LEDS user agreement is signed by the current Chief of Police and kept on file
- Coordinate LEDS audits and take appropriate action to rectify any shortcomings that are identified in the audit
- Process report validations sent from LEDS
- Ensure that crime reporting for the Police Department occurs at the National Incident Based Reporting System level (NIBRS), as well as file other required Criminal Justice Information Services (CJIS) reports such as Officer Counts and Law Enforcement Officers Killed and Assaulted (LEOKA) reports within the appropriate timelines
- Ensure timely submission of Oregon Statistical Transparency of Policing (STOP) and Cleary reports
- Coordinate archival of records
- Become a Notary Public and maintain that status while employed with the Department
- Prepare deposit for monies taken in and reconcile money with receipts

- Reconcile petty cash as needed and submit for reimbursement from Finance as necessary
- Take minutes at meetings as requested

SECTION 6 – POLICE COMMUNICATIONS PROCEDURE

The purpose of this Policy is to assure standard and uniform radio communications that will comply with the Federal Communications Commission (FCC) requirements and assure efficient use of the Department's assigned frequencies in accomplishing Department duties.

1. FEDERAL COMMUNICATIONS COMMISSION AND CALL NUMBERS

Federal Communications Commission (FCC) regulations relevant to field mobile operators include:

- The FCC prohibits any unauthorized or profane transmissions.
- No unauthorized persons may answer incoming calls.
- Police radios may be used for authorized simulated incidents that are planned and announced in advance.

2. EMERGENCY COMMUNICATIONS CENTER (ECC)/CENTRAL DISPATCH

- The ECC is a consolidated police/fire/ambulance communications center serving the communication needs of all subscribing agencies in Wasco and Sherman Counties. It is governed, run, and maintained by the Wasco County Communications Agency (WCCA). Access to ECC is by WCCA policy.
- The ECC is located in the Wasco County Annex and is staffed 24 hours daily. Its primary function is to receive and dispatch calls for service and to prioritize those calls in order to ensure prompt response. Criteria for priorities are as follows:

Priority 1 (Extreme Emergency, Immediate Response)

- When there is an immediate danger to a person's life or safety
- When there is a crime in progress
- When there is a possibility of extreme or major property loss
- When an emergency response may be necessary to protect a person's life or property
- When a suspect may be in the area
- When a crime has just occurred in which a person's life, safety, or property has been placed in jeopardy

Because of the urgent nature of Priority 1 calls, the ECC operator shall begin all transmissions dispatching Priority 1 calls with ONE ALERT TONE, two seconds in duration, followed by all pertinent information as outlined in the standard operating procedure.

Priority 1 calls will generally receive an immediate response; however, the individual officer is always responsible for the decision to respond code (using lights, or lights/siren) based on the totality of the situation.

In all cases, officers will drive with due regard for the safety of all other persons. The first rule of emergency response is to arrive at your destination safely. (see ORS 820.300, 820.320, and vehicle operation policy) Failure to do so could result in the officer being civilly liable and subject to disciplinary action.

Priority 2 (Routine Response)

- When time is a factor in the proper handling of a call
- When danger to life or property is not apparent

Priority 2 calls shall always have a routine response

Priority 3 (Routine of Delayed Response)

- When time is not a factor in proper handling of a call
- When specific personnel are requested
- When the reporting party is aware a significant delay may occur, or requests a delayed response

The assignment of police units to calls for service shall occur in the following manner:

- When available, the car assigned to the area of occurrence shall receive the call.
- When an area car is not available, any adjacent area car shall be dispatched.
- In assist officer/10-27 situations, all police units are subject to dispatch. Units from adjacent police jurisdictions within a reasonable distance shall also be requested to respond.

3. FIELD RADIO OPERATION

Transmitting: THINK before transmitting. SPEAK distinctly. Begin with the unit call number. WAIT for acknowledgement. BE CONCISE.

Members shall not transmit when:

- Advised by the dispatcher to 'stand by' or when the channel marker is in use. Only emergency information may be broadcast until the channel marker is terminated.
- A member's transmissions will obviously interfere with other communications in progress.

Members shall respond to an original transmission from the ECC by stating their call number designation.

Dispatchers are responsible for assigning and deploying police units during normal operations, and within the guidelines of the standard operating procedures outlined here.

Police officers shall carry out the assignments received from communications personnel as if they were received directly from a superior officer. If the officer has reason to complain or question a call assignment, he or she shall pursue the complaint through the appropriate chain of command after fulfilling the assignment.

There are three exceptions to the above rule:

- Dispatcher assignments and directives may be altered or countermanded by a shift supervisor. A shift supervisor who believes that the performance of the dispatcher is not adequate shall contact the Captain or Chief.
- Police officers who have good reason to believe that a dispatcher directive entails a potential violation of law or Department policy or an unnecessary risk to the safety of officers or the public, may advise the dispatcher who will contact the shift supervisor for resolution.
- During tactical situations (i.e. high priority occurrences requiring the coordinated efforts of two or more units) supervisory or command personnel in the field shall assume direct responsibility for the assignment and deployment of police resources. If supervisory or command personnel are not readily available, the first police officer at the scene shall assume control with the assistance of the dispatcher.

A patrol officer shall not request the dispatcher's advice on report forms, how to conduct an investigation, or whether to summon tows, ambulances, or other assistance.

When an officer has completed an assigned call, under normal circumstances the officer will be expected to enter a disposition and clear himself or herself from the call via the Mobile Data Terminal (MDT). In the event an MDT is not available, the officer may provide Dispatch with a disposition, and advise of status change 10-8 via radio.

4. RADIO DIFFICULTIES

When an officer calls and a dispatcher cannot understand or receive his or her message, the officer shall switch to another frequency and call again. If the rebroadcast is not satisfactory, the officer shall ask for another unit to relay the message.

In the event an officer is unable to contact the dispatcher by radio, he or she shall immediately telephone the ECC for instructions.

Vehicles that have a radio that is not performing satisfactorily shall not be used until repaired.

5. RADIO CHANNEL ASSIGNMENTS

The Dalles Police radio frequency shall normally be used to dispatch service calls, transmit and receive emergency messages, and inform Dispatch of the radio unit's status.

Members shall remain on this channel unless specifically instructed to switch to another, or unless the temporary use of another channel for official business is appropriate according to established procedures.

Dispatch will be informed of the current status of all patrol units. The officer shall immediately update his or her status via MDT, or advise Dispatch via radio if no MDT is available.

6. PHONETIC ALPHABET

The phonetic alphabet shall be used by radio operators to ensure that a message is received accurately. The accepted phonetic alphabet is as follows:

A – Adam	G – George	M – Mary	S – Sam	Y – Young
B – Boy	H – Henry	N – Nora	T – Tom	Z – Zebra
C – Charles	I – Ida	O – Ocean	U – Union	
D – David	J – John	P – Paul	V – Victor	
E – Edward	K – King	Q – Queen	W – William	
F – Frank	L – Lincoln	R – Robert	X – X Ray	

7. 10-CODES

The 10-CODES shall be used by radio operators to ensure that a message is received accurately. When using the radio to communicate with outside agencies, plain language is acceptable. The accepted 10-CODE is as follows:

10-1	RECEIVING POORLY	10-32	DRUNK PERSON
10-2	RECEIVING WELL	10-33	EMERGENCY TRAFFIC
10-4	ACKNOWLEDGEMENT	10-40	STOLEN OR WANTED
10-5	ANIMAL PROBLEM	10-41	FIGHT AT...
10-6	BUSY	10-42	DOMESTIC FIGHT
10-7	OUT OF SERVICE	10-45	BURGLARY IN PROGRESS
10-8	IN SERVICE	10-46	WEAPONS INVOLVED
10-9	REPEAT TRANSMISSION	10-47	BURGLARY/ROBBERY ALARM
10-10	OUT AT / AVAILABLE	10-49	PARKING PROBLEM
10-11A	ARMED CAREER CRIMINAL	10-50	COFFEE OR LUNCH
10-11C	CONCEALED CARRY LIC.	10-51	OFFICER'S RESIDENCE
10-11P	PRECAUTION	10-53	MEET / AT
10-11R	REGISTERED SEX OFFENDER	10-54	EQUIPMENT REPAIRS
10-12	VISITORS PRESENT	10-59	MENTAL SUBJECT
10-14	ESCORT OR CONVOY	10-60	DRIVING STATUS
10-15	PRISONER IN CUSTODY	10-68	SEX CRIME
10-17	PAPERWORK / PU PAPERS	10-68R	RAPE
10-19	RETURN TO STATION	10-69	BOMB THREAT
10-20	LOCATION	10-70	DEAD PERSON
10-21	TELEPHONE	10-72	INVESTIGATION

10-22	DISREGARD	10-73	ATTEMPT SUICIDE
10-23	STANDBY	10-75	ARE YOU OKAY?
10-26	FINISHED W/ ASSIGNMENT	10-80	SUSPICIOUS
10-27	<u>OFFICER IN PERIL</u>	10-81	ABANDONED VEHICLE
10-28	CHECK STOLEN OR WANTED	10-82	DRUG RELATED
10-29	VEHICLE REGISTRATION	10-83	ON FOOT
10-30	NOT STOLEN OR WANTED	10-91	GO TO METRO CHANNEL
10-31	DRUNK DRIVER	10-97	ARRIVED ON SCENE

8. CALLS FOR SERVICE

Calls for service received by the ECC shall be assigned to an officer via MDT and the officer will be notified via radio. Officers receiving a call from the ECC shall use the following procedures:

- Acknowledge receiving and understanding the call. If via MDT, this will be done via changing status to Responding. If via radio, this will be done by replying with the member's call sign and 10-4. The Dispatcher will respond with the time, and update the officer's status in Computer-aided Dispatch (CAD).
- Upon arrival at the location of a call, the officer shall notify Dispatch via a status change in MDT of Arrived. Due to the delay of verifying if an MDT status change went through, for calls with an officer safety concern, the arriving officer may advise Dispatch via radio with 10-97. Dispatch will respond with the time and will update the officer's status in CAD.
- When an officer determines a call requires a police report, the officer will request a case number from Dispatch. This may be done via MDT or via radio. Such a request must be made prior to clearing the call or closing the event via MDT.
- Upon completion of the call, the officer will enter a disposition via MDT and close the call with the appropriate call type and disposition code. In the event an MDT is not available, the officer may give the disposition via radio.
- The Chief and the Captain's radio status will not be maintained by ECC unless specifically requested.

The Chief and Captain may not always be able to monitor radio traffic and will advise Dispatch during such times.

9. STATUS CHECKS BY DISPATCH

- When an officer is out of service on an incident or call, Dispatch will check his or her status every five minutes by radio code 10-75. Response 10-4 is used to indicate the officer is OK.
- If no response is given, Dispatch shall immediately notify a supervisor for instructions. It shall be the supervisor's responsibility to determine the activities and safety of the out of service unit. If no supervisor is available, the nearest officer will be sent to check the status and safety of the officer on the call.

- Dispatch may give 10-75 more frequently than every five minutes depending upon the situation.
- Based on the safety or risk of a situation, an officer may advise Dispatch that status checks are no longer needed, may be delayed, or should be done more frequently.
- For a patrol unit that is in service, 10-75 shall be given if there has been no radio traffic from that unit for an hour.
- The Chief, Captain, and detectives will not normally be given status checks unless requested otherwise.

10. OUT OF SERVICE STATUS

Patrol members going out of service for a meal, break, equipment repairs, follow-up, or other reason shall advise Dispatch of their status and location. This will normally be done via MDT. While on such status, the member will monitor radio traffic and will be subject to calls of an emergency nature, or where callout is necessary for officer safety.

Should a situation require a member to go out at a location in secret, such as meeting an informant, the member will advise Dispatch or a supervisor via telephone.

11. REQUESTING ASSISTANCE

When aid is urgently needed, a request for cover now may be broadcast with the location, followed, if possible, by the unit call number and all information possible to ensure rapid assistance.

12. EMERGENCY ASSISTANCE

If a member requires immediate assistance for a dangerous situation, the member will broadcast 10-27, followed by the officer's call sign and location.

Dispatch will respond with an alert tone, and repeat the information (10-27, followed by the location).

All units shall proceed to the location as quickly and safely as possible.

The radio shall only be used for emergency traffic for the duration of the code 10-27 crisis.

13. REQUESTING INFORMATION

Routine checks for stolen property, registration, warrants/wants, and driving status will ordinarily be done via MDT. In a situation where using the MDT presents an officer safety concern, such checks may be requested via radio. Traffic stops and calls with multiple people and officers at a scene are considered officer safety concerns and requests may be done via radio.

Members requesting LEDS/NCIC criminal history record checks shall be advised only whether or not the person being checked has an entry in LEDS/NCIC. Members in need of detail shall obtain the information from Dispatch in person or by telephone.

14. TRAFFIC STOPS

To minimize the safety risk of attempting to drive, operate a computer, and keep situational awareness of the offender, an officer performing a traffic stop will notify Dispatch of the traffic stop via radio prior to initiating the stop.

This notification will include the location of the traffic stop, followed by the license plate of the vehicle, given once phonetically and once in clear voice.

15. USE OF PORTABLE RADIOS

Portable radios to be carried shall be designated by the Chief of Police.

Radios shall be carried in a case or holder designed for the radio, or on a load-bearing vest, as approved by the Chief of Police.

When members are away from the vehicle radio or a base radio, the portable radio shall be turned on and set to City Police frequency.

For portable and vehicle radios, when a member wishes to speak to someone on a different frequency, he or she shall first notify Dispatch that he or she will be on a different frequency. When returning to City Police frequency, he or she shall notify Dispatch of the fact.

16. RADIO CALL NUMBERS

Each officer shall be assigned an individual radio call number by the Captain. All members will use their own number for all radio transmissions.

When a patrol officer starts his or her shift, Central Dispatch will be advised immediately that the officer is in service. This will ordinarily be done by the officer logging onto the MDT. The officer will indicate the shift assigned, patrol area, mileage, and vehicle number.

The only time an officer will change the assigned radio number is when the officer advances in rank or is assigned a different radio number by the Captain.

SECTION 7 – TRANSLATION SERVICES

The Dalles Police Department will attempt to use translation services whenever possible to provide the best possible service to non-English-speaking civilians.

Officers can use a variety of strategies when dealing with non-English-speaking persons who require police services. Officers can use civilians who are bilingual who may be present on the scene or brought to the Police Department by the person. It is recommended that such translations always be recorded in case the accuracy of the translation is later questioned.

The use of an in-person, Department-authorized, translator is recommended for interviewing criminal suspects when it is possible an arrest will be made and later court testimony of the translator may be needed. Calling a Department member to duty for translation requires a supervisor's approval. The same applies to victims of felony person crimes. All such interviews should be recorded.

It is an assigned task of the Detective Sergeant to maintain a current list of on-call Spanish language translators. This list is to be maintained in the Records Management in the rolodex. The Department pays

translators a fee of \$25 per hour, a minimum fee of \$25 per callout. The use of an in-person paid translator requires the authorization of a supervisor.

The Department subscribes to a service called Optimal Phone Interpreters. This service, which will be referred to as the "language line," is a contractually provided service that costs \$1.59 per minute or \$95.40 per hour. Due to the cost of this service, calls should be kept brief and never placed on "hold." It is better strategy to call back if you have questions. Use of the language line does not require a supervisor's authorization, but calls should be limited to ten minutes.

The language line provides access to a large number of languages including Spanish.

The language line is to be only used for taking minor crime reports in the office where simultaneous use of two handsets is possible. It is recommended that the conference room be used so the officer can be seated next to the subject being interviewed and benefit from the direct translation provided.

The officer using the language line needs to establish immediately what happened and if the incident occurred within the jurisdiction of The City of The Dalles Police Department. If the case is not within TDPD jurisdiction, the person needs to be referred to the appropriate police agency.

If, in the initial use of the language line, it appears the situation is complex and requires extensive interviews, then the call should be terminated and the services of an in-person translator should be obtained.

It is not recommended that the language line be used in the field using cellular telephones since it cannot be recorded and the translators, who are based in Florida, are not available for court appearances. However, use of the language line in the field via cellular telephone is authorized when the situation is a life-threatening emergency requiring instant access to translation services.

CHAPTER 6 – GENERAL EVIDENCE HANDLING

SECTION 1 – POLICY RULES AND PROCEDURES (PRP)

1. POLICY

The policies and procedures in this chapter are established for maintaining credibility in order to insure The Dalles Police Department (TDPD) exercises the utmost care in the accounting, control, and integrity of evidence and found property that comes under the Department's control. Employees must care for seized property in order to retain its evidentiary value, ensure return of the property to the rightful owners, and preserve the property from contamination or deterioration.

2. GENERAL EVIDENCE RULES

The Dalles Police Department has a general obligation to protect all property that comes within its custody. No property shall be intentionally destroyed by any employee without due process of law or contrary to Departmental procedures.

- The Chief, being responsible for evidence, shall ensure that facilities are provided for the secure storage of all property within the custody of The Dalles Police Department.
- The Chief shall appoint an Evidence Technician (ET) and the alternate who will be the Detective Sergeant. The Evidence Technician shall be responsible for maintaining the security and records of the property. The ET shall be accountable for property accepted or stored by the Department.
- It is an established procedure that a property drop or temporary locker box shall be used as a secure repository for evidence or property after normal working hours, when the ET is not immediately available, or the property room is closed. Temporary lockers are not to be used for long term case storage. If property is temporarily secured in these lockers and it is not fully processed, or is still needed by the officer, a notification will be made to the ET.
- Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established Departmental Policy and procedures outlined in this Manual.

3. INAPPROPRIATE HANDLING OF EVIDENCE

Tampering with evidence, theft, and official misconduct are serious criminal offenses. Employees suspected of committing crimes with evidence will be investigated and, if appropriate, criminally charged. Tampering, mishandling, or misuse of evidence is strictly prohibited.

4. EVIDENCE TECHNICIAN

An Evidence Technician (ET) is a specialized position that utilizes civilian employees to perform evidence locker management and other technical duties. Evidence Technicians must pass a rigorous, in-depth background investigation, equivalent to that for a sworn police officer, prior to employment with the Department.

5. ACCESS

Access to the main evidence locker, temporary lockers, and other locations where evidence is maintained is limited to the Evidence Technician, Detective Sergeant, Captain, Chief or others specifically assigned.

- Department personnel will not enter the evidence room unless accompanied by the ET or other authorized personnel.
- Property or evidence will only be removed from its storage location by the ET or authorized personnel.
- Evidence will be returned by appointment with the Evidence Technician or on a walk-in basis if that request can be accommodated.
 - If the ET position is vacant, the Chief, Captain, Detective Sergeant or other assigned individual may release property following these procedures.
- Admission into and out of the evidence locker will be recorded on the evidence locker access log.
 - The exception to this rule is that the Evidence Technician does not need to sign in and out on the access log because he or she is appointed by the Chief as being responsible for maintaining the security and records of the property.
- Keys to the property room will remain under the control of the Evidence Technician, Detective Sergeant, Captain, or Chief.

6. LINEAGE LOG

To have a full understanding of the activities within the evidence locker, it is necessary to have documentation supporting who and when other personnel were responsible for the property/evidence maintenance. It is necessary to create a Lineage Log dating back to when the property/evidence location was established as such, with information of who maintained the property and for how long. Officers who are on light duty or other personnel assigned to help the ET should also be listed in the Lineage Log. Situations have been known to arise when it is necessary to know the person whose initials are contained on packaging and evidence documentation.

SECTION 2 – SAFETY

1. SAFETY PROGRAMS AND PLANS

Evidence lockers and other storage facilities used to maintain evidence contain considerable hazards and risks. The ET must have a working knowledge of the safety of the evidence locker.

Hazards contained in the evidence locker include drugs, sharp implements, bodily fluids, and other hazardous materials. Exposure to hazardous materials is a common threat within the evidence locker; as such, controlling exposure to hazards is a primary concern.

2. ROUTES OF EXPOSURE

Absorption – Open cuts or scratches on the skin, particularly the hands, provide a point of entry for infectious agents. Penetration of intact skin is possible by some infectious agents and chemicals, while

others may enter through the conjunctiva of the eye or other mucous membranes as a result of contact with contaminated hands.

Direct Inoculation – Broken glassware, needles, syringes, forceps, staples on packing materials, and other sharp objects provide a means of direct injection of infectious agents or chemicals into the bloodstream.

Vectors – Ticks, fleas, body lice, and other parasites are potential hosts of infectious agents such as bacteria and viruses that can be transmitted to and infect humans.

Ingestion – Smoking, eating, or drinking after handling evidence and prior to hand washing may result in oral ingestion of infectious agents or hazardous chemicals. Placing objects such as pens or pencils in the mouth, as well as hand contact with mucous membranes, may also result in contamination.

Inhalation of Airborne Contaminants – Infectious agents may become airborne by accident, such as spilling or breaking a container and handling evidence or other materials. Splashing liquid and flaking material from dried stains are additional sources of airborne agents. Proper ventilation or respiratory protection (respirator) is imperative to reduce the danger of airborne infection. The ET is authorized to use a dust mask respirator (N95) after certification. Certification for using a dust mask is obtained through an application process. Contact the City Safety Officer for assistance.

3. TYPES OF SAFETY HAZARDS

Biological/Blood-born Biohazards – (*Biological fluids such as blood, semen, saliva, or items contaminated with these fluids, etc.*) Blood can contain contagious viruses such as HIV, Hepatitis B, or Hepatitis C. HIV is non-contagious after 72 hours of air exposure; however, Hepatitis (HBV) can remain infectious indefinitely. Extreme caution must be used with handling blood-born items. Gloves and protective face masks should be worn at all times while handling any items thought to be contaminated with biological material.

Absorption – (*Tuberculosis, Aspergillus spores, Anthrax spores, etc.*) Dried marijuana plants may contain the Aspergillus spore, which can cause flu-like systems or allergy symptoms. This particular spore is labeled as a carcinogenic contaminant (Oregon Occupational Safety and Hazard Association, American Medical Association). If this spore exists in an evidence locker in great quantity without adequate ventilation, exposure could lead to Aspergillus Pneumonia. The ET should seek immediate dispositions for large quantities of marijuana and, when possible, store it in an alternate evidence locker.

Chemical Hazards – (*Acids, caustics, flammables, and toxic substances*) Each type of chemical should be stored separately with a hazard label describing its contents. Storing all chemicals together can pose a significant hazard due to chemical reactivity. Clandestine lab samples in vials surrounded by absorbent material in plastic buckets can be stored in the regular evidence locker.

Controlled Substances – (*Cocaine, PCP, LSD, Heroin, Methamphetamine, Fentanyl, etc.*) Narcotics should be maintained separately from other evidence when possible. All drugs will be disposed of as soon as the law allows.

Explosives – (*Bombs, M-80s, Money Dye Packs, Blasting Caps, Fireworks, etc.*) Explosives pose significant hazards in an evidence locker and will not be accepted. Contact the OSP Arson Explosive Section for disposal.

Firearms – (*Rifles, Shotguns, Revolvers, Semi and Fully Automatic Weapons, etc.*) Firearms have the possibility of being loaded and shall always be handled safely. All firearms will be unloaded, rendered safe,

and secured by the seizing officer prior to submission to the evidence locker. If there is a question as to whether or not a firearm has been rendered safe, contact a Range Master and do not allow it into evidence storage until it is confirmed as safe.

Weapons/Tools/Sharps – (*Knives, Axes, Burglary Tools, Syringes, Broken Glass, etc.*) These items pose personal safety hazards if not maintained, stored, and disposed of properly. These items should be packaged securely in boxes or other strong packaging materials and specifically labeled to prevent accidental contact and injury.

4. FACILITY DESIGN

OAR Chapter 437, Division 2/Z CFRR 1910.1030: Employers must provide hand washing facilities that are readily accessible to employees. Handwashing can be done in the restroom in the front of the building. Soap, hot water, and towels are available at all times. An eye wash station is available in the garage and break room.

5. WORK PRACTICES

A safe work environment begins with the work practices of the employee. All blood, human tissue, and other bodily fluids are to be treated as though they are infected. The following guidelines should be observed and followed:

- Restrict access to the evidence locker.
- Wear appropriate attire including Personal Protective Equipment (PPE) when handling evidence.
 - Personal Protective Equipment can include:
 - Disposable gowns
 - Shoe covers
 - Face shields
 - Protective eyewear
 - Disposable gloves
 - Hearing protection
- Never wear contaminated Personal Protective Equipment into other areas.
- Never touch the face or other unprotected areas with contaminated hands or PPE.
- Avoid placing pens or other items in the mouth.
- Avoid handling the telephone with gloved hands.
- Never eat, drink, chew gum, or smoke in the work area or evidence storage areas.
- Never apply cosmetics or insert contact lenses in the work area.

- Isolate hazards as much as possible by marking containers and disposing of sharps in a puncture-resistant, leak-proof container.
- Protect surfaces that may become contaminated with newspaper, butcher paper, etc.
- Dispose of contaminated paper in a biohazard disposal container.
- Use proper waste disposal containers.
- Disinfect reception areas, evidence intake/handling areas, and packaging areas with an appropriate cleaning product after use.
- Evidence packaging should not take place on the squad room or lunchroom tables.

6. PERSONAL SAFETY

The ET must always put his or her personal safety first. Under no circumstances will an ET release property from any location other than The Dalles Police Department office unless accompanied by a sworn officer.

At any time, an ET may request a sworn member to assist him or her with the release of property to owners.

The ET should have a means of communication with his or her supervisor or designated alternate at all times while on duty. If the ET is off site, he or she should have either a Department radio or cell phone available to him or her and the knowledge of how to use it.

CHAPTER 7 – EVIDENCE AND PROPERTY PROCESSING

SECTION 1 – PROPERTY CLASSIFICATIONS AND DEFINITIONS

All property stored in the evidence locker for safekeeping will be marked with one of the following classifications:

Evidence – Physical evidence is any article, material, or substance found in connection with an investigation that helps determine the circumstances of a criminal act. Example: A piece of broken fender from a hit and run.

Recovered Property – Items that are the property of an individual, firm, or agency which have been the spoils, or part, of a criminal act, and which may be needed as evidence. Example: Stolen firearm recovered as part of a burglary investigation.

Found Property – Items that are the property of an unknown individual, firm, or agency that are NOT evidence or contraband. This also includes items of non-value or value only to their owners. Example: Bicycle found on the side of the freeway.

Safekeeping – Items being held that do not fall within the other three definitions. Example: Purse of a victim recovered at crash scene. Refer to Chapter 8, Section 23 – Safekeeping.

When property comes into the custody of the Department, a receipt will be given to the person who had custody and released it to the Department. A duplicate copy of the evidence form may be used as a receipt for property.

SECTION 2 – EVIDENCE MANAGEMENT DEFINITIONS

Case Number – A unique number assigned to each case.

Evidence Exhibit – Any package containing evidence; in certain cases, more than one item of evidence may be in each exhibit such as a coin collection or grouping of like objects.

Exhibit Number – A unique identifier assigned to each exhibit within a case by the officer. Typically, this is the officer's initials followed by a sequential number of evidentiary items within the specific case.

Chain of Custody – The tracking of an exhibit from the time it came into the possession of the agency through the proper disposition of the item. A chain of custody event is documented every time the item leaves or returns to the evidence locker for any reason and describes the journey of the item, including who was in possession of the item and when. A chain of custody event may also be created for other significant events related to the item such as re-packaging or to document damage or deterioration to the item.

Form 49 (Forensic Services Request) – The Oregon State Police (OSP) Form 49 is used for any items that are submitted to the OSP Crime Lab for analysis. The form may be completed electronically and can be found on OSP's website at: <https://www.oregon.gov/osp/Pages/formsandpublications.aspx>.

Annual Inspections – An annual inspection of the Department's evidence and property function will be conducted to determine if processes and procedures are being followed and if systems are operating as they should. This inspection will be documented in writing and a copy will be maintained in Department files.

Annual Audits – A yearly sampling of property to determine the compliance with record keeping, procedures, and security measures. This audit is to be conducted by personnel other than those directly assigned to property management. Annual Audits will be documented in writing and a copy will be maintained in Department files.

Inventory – This is a full accounting of every single piece of property in the possession of the Department that is either evidence or in safekeeping. An inventory will occur whenever a person responsible, or having access to the evidence room, departs or whenever there is a reason to believe that property is missing, misconduct has taken place, or there is the possibility of evidence tampering. Misconduct is not a simple error in record keeping but intentional criminal activity, malfeasance, or nonfeasance. An inventory will be documented in writing and a copy will be maintained in Department files.

Unannounced Inspections – An unannounced inspection of the property room, procedures, status, security measures, and record keeping, or any other function that may be relevant. These unannounced inspections may occur at any time at the direction of the Chief. Unannounced Inspections will be documented in writing and a copy will be maintained in Department files.

SECTION 3 – EVIDENCE PREPARATION/PACKAGING AREAS AND EVIDENCE SUPPLIES

The Department maintains a specified area for evidence preparation and packaging. This location should only be used for this purpose. This area should have a hard surface and shall be disinfected after use with a cleaning solution. Examples of packaging, and instructions on how to use the heat sealer, scale, or other devices should be posted in this area as a reference guide for officers.

The Evidence Technician should be accessible to officers when they need help or have questions about packaging or handling. The administrative staff can assist officers with scheduling appointments with the ET.

The Evidence Technician has the authority to ask that certain types of evidence be packaged in specific ways to meet any unique evidence storage needs of the office.

The Evidence Technician, the Captain, and the Detective Sergeant are responsible for maintaining evidence supplies and keeping the packaging area well stocked.

SECTION 4 – PROCESSING PROPERTY AND EVIDENCE

1. REVIEWING EVIDENCE FROM TEMPORARY LOCKERS

Designated temporary lockers in the office are intended for short-term storage of evidence. The ET (or alternate) should inspect the temporary lockers frequently to ensure that evidence is moved into the main locker, and to ensure that the lockers are secure and in good repair. Prior to accepting property into the evidence locker, the ET will check the packaging to ensure that it is appropriate for the type of evidence, it is marked correctly, it is properly sealed, and that the evidence receipt is filled out completely.

2. PACKAGING

The ET must not only ensure that property and evidence are packaged correctly; he or she must make sure the packaging will suffice for long-term storage and maintenance. Specific guidelines for packaging individual types of evidence are located in evidence-specific handling procedures in this chapter. Most

evidence exhibits should be packaged separately. Found property can be packaged as a comingled group, such as a purse and all of its contents.

Evidence must be properly packaged and sealed in accordance with The Dalles Police Department protocol. Any item that creates a potential hazard should be marked as such. Some examples of hazards include blood, firearms, chemicals, etc. The OSP Forensic Field Guide lists the requirements for packaging methods for items that will be received by the lab. This guide is located online at: <https://www.oregon.gov/osp/programs/forensics/Pages/Law-Enforcement-Resources.aspx> and a copy is available in the temporary evidence room for reference.

3. EVIDENCE SEALS

Heat seals and evidence tape seals are the only acceptable methods for sealing evidence. Plastic bags with gum seals can still be used; however, red evidence tape must be used to properly seal the bag.

Seals are to be dated and initialed onto the packaging and across the seal by the submitting officer. When utilizing packaging with multiple openings (such as top and bottom of cardboard boxes), all such seams shall be sealed and initialed. Red evidence tape is required for field use because the OSP Crime Lab uses blue evidence tape to re-seal the package after performing analysis of the evidence.

Temporary evidence lockers may be used as holding lockers by officers for evidence that is incomplete or in process. Every effort should be made to ensure completeness of paperwork and proper packaging of evidence prior to placing evidence in the temporary storage lockers. When immediate processing is not feasible, advise the Evidence Technician of the delay.

4. RIGHT OF REFUSAL

Evidence that is not packaged or sealed correctly or has incorrect or incomplete paperwork will not be accepted into the evidence locker. The Evidence Technician will not seal and initial packages that were turned in by another officer. The ET will contact the submitting officer to make changes or return the evidence and paperwork for the officer to correct. If officers are not responsive to the ET for corrections the ET will contact the officer's supervisor. Other arrangements may need to be made for officers who work different shifts or other situations as needed.

5. TAMPERING

Once the property has been sealed, there is a supposition that it is free from tampering. When the seal has been broken, the supposition is that the integrity of the contents can no longer be assured. In order to minimize suspicion of wrongful action, it is important that the same precautions used in the initial sealing of the property be followed in any subsequent resealing.

NOTE: If a question of compromise, tampering, or other discrepancy arises, it should immediately be brought to the attention of a supervisor.

6. CHECK-IN PROCEDURES

- Each item will be assigned a specific location within the evidence locker for permanent storage.
- Once data entry is complete, the Evidence Technician will initial the evidence form.

- Each exhibit shall be marked with the case number, exhibit number, and exhibit description; it will be documented into the relevant records-keeping system. Exhibit packaging information should be written clearly with the expectation that anyone could read it during long term storage. If an error is made, use a new bag to ensure legible printing.
- Case documentation is critical including the evidence receipt, chain of custody reports, copies of letters to owners, case disposition information and correspondence with officers, District Attorneys, and owners, etc. All documentation regarding evidence management will be maintained in the paper or electronic system.

7. PERMANENT STORAGE

Once the packages are marked correctly, the evidence will be placed in the evidence locker location specified in the evidence records-keeping system for storage until case disposition.

The evidence locker should be organized in the most efficient manner possible.

8. GENERAL STORAGE SUGGESTIONS

- Store homicide or other long-term evidence in out-of-the-way locations such as the top of secure shelving or in the back of the locker. Long-term storage may also use offsite secure storage. The offsite storage location is subject to the same security and protocols as the main evidence locker. The offsite storage location should be discrete and unmarked.
- Firearms, controlled substance exhibits from felony cases, and money should be stored separately from the other evidence. If possible, each should be stored with secondary security. An example of secondary security is adding a lock to the evidence locker filing cabinet that is used to store handguns or money.
- Using fewer locations in the locker reduces locker maintenance. For example, if one shelf or area was designated the “2009” location, with the property organized numerically by case number, several boxes could have the same location. All 2009 cases would be listed in this location in the evidence database. To find the item one would search numerically by the case number. When items from the shelf are disposed of, creating empty spaces, boxes can be combined (still numerically organized) to maximize space. In addition, this removes the necessity of changing the bin location in the computer every time evidence is moved within the locker.

9. CHAIN OF CUSTODY

The chain of custody is maintained by the ET who keeps a record of the transfers of evidence from one person to another, to other storage locations, or for scientific analysis. The custody record must be kept complete and accurate. Tracking the chain of custody includes recording it on the back of the yellow copy of the property receipt and logging the date and location changes using the records management system.

Evidence delivered to the OSP Crime Lab for analysis shall be accompanied by a Submission Packing List form, the Forensic Services Request Form 49 that corresponds with the type of crime, and the police report. The most current fillable forms can be found at: www.oregon.gov/osp/Pages/formsandpublications.aspx.

Forms should be filled out with at least:

- Authorization from the primary officer or investigator

- Date and time of the transfer
- Name of the transporting person, or method of delivery
- Name of the receiving person or entity
- Name and location of the laboratory receiving the evidence
- Reason for the transfer and service requested
- Documentation of return of property to the submitting agency

10. EVIDENCE FOR OFFICER REVIEW, COURT OR DISTRICT ATTORNEY CHECK OUT

Evidence may be requested by TDPD personnel for court or by the District Attorney. The chain of custody for the evidence must be maintained. Use the accepted methods for maintaining the chain of custody; have the person taking possession of the evidence sign where appropriate. When the evidence is returned, update the chain of custody to reflect that it is back in the evidence locker. Evidence should only be checked out of the evidence locker for the time that it is needed for court, processing or other reasons. Once it is no longer needed it must be returned to the ET for storage, release or disposal.

11. RE-PACKAGING EVIDENCE EXHIBITS

Under normal circumstances, evidence, once sealed, should not be opened for purposes other than analysis or introduction into court. When sealed evidence must be opened for another purpose, the following procedure will be utilized:

- Whenever possible, sealed evidence shall be opened in the presence of another officer or witness.
- The evidence package shall be opened in a manner that will preserve the information on the sealing sticker and evidence label. The old seal should not be broken if possible. A slit or cut in another area of the package will often preserve the seal.
- The evidence shall be processed, and the evidence and all parts of the original packaging shall be placed in a new evidence envelope or package for resealing. The new package should be marked with the case information and sealed by the officer and the witness using both the current date and their initials.

The ET should document that evidence was opened and resealed with the date it occurred and both of their initials. All evidence database records associated with the case shall be updated as well.

12. CRIME LAB SUBMISSION AND ANALYSIS

All evidence requiring laboratory analysis shall be submitted to the Evidence Technician who will complete a Request for Laboratory Examination (Form 49). Officers will provide the ET with accurate information on what examination is necessary. Do not place the Form 49 inside the sealed evidence container.

- Fill out the Form 49.
- Each item must be sealed properly. Do not include items in the packaging that do not require analysis.

- The Evidence Technician will handle delivery of the evidence to the OSP Crime Lab.

13. EVIDENCE REVIEWS

Often a criminal case will include a discovery process that allows attorneys, other law enforcement personnel, and various scientific experts to view the evidence. The Evidence Technician or the Detective Sergeant is typically responsible for scheduling and facilitating these reviews.

- The parties requesting access to the evidence need to gain authorization from the District Attorney's Office.
- Once permission has been granted and documented in writing, the Evidence Technician shall make the evidence available by appointment. Coordination of the evidence review must be made with the case officer. The case officer should be present for the review of major crimes cases.
- Cases involving biological evidence may require special considerations to protect the integrity of the evidence and avoid contamination.
- Evidence reviews will not take place inside evidence lockers. A conference room, interview room, or other similar controlled area is suitable for use.
- No food or drink should be allowed by any parties while evidence is being reviewed.

Prior to Evidence Review

- Print a general evidence report from the evidence database for all members attending the review. This will give every member a list of all the evidence associated with the case and will provide them the opportunity to make notes about individual exhibits.
- A chain of custody report shall also be printed from the evidence database for each item.
- Prepare the area with essentials: Butcher paper or another barrier that can be changed between exhibits, gloves, scissors, evidence tape, etc.
- Verify the identity of all members of the review party. Make a list of each person present and keep this in the case file for reference.

During the Evidence Review

- The Evidence Technician or another sworn employee must stay with the evidence at all times.
- Gloves and a face mask must be worn at all times by all members or others who will touch any evidence or packaging to prevent contamination.
- Open only one exhibit at a time, allow the examination, and then completely seal each exhibit before moving to the next. Do not leave any evidence unsealed or unattended for any reason. If any member of the party has a question involving the evidence, refer him or her to the case officer.
- Do not allow any member of the party to alter evidence in any way (cutting, swabs, etc.) without explicit direction from the District Attorney's Office. Photographs and measurements are allowed.

- Requests for copies of media, documents, etc. by members of a review party will be noted and provided after the review.
- Use the general evidence report to record what exhibits were opened, re-sealed, and by whom. This information will be used to create the chain of custody event for each exhibit.

After the Evidence Review

- Confirm that all exhibits are accounted for and sealed.
- Update all exhibits to reflect the evidence review as a chain of custody event.

14. SEALS AND EXPUNGEMENTS

If a case is ordered to be sealed or expunged, the case officer will notify the Evidence Technician.

- If there is active property with the case, follow standard procedures for the maintenance and disposal of that property.
- The evidence database should be updated to reflect that the case is sealed or expunged to alert users that information contained within cannot be disseminated.

SECTION 5 – GENERAL RELEASE AND DISPOSAL GUIDELINES

All property will be disposed of in a legal manner with proper authorization and shall not become the property of or profit any individual. When items are no longer of evidentiary value, the proper authorization must be obtained for the lawful disposal of the property. All dispositions require a signature by the person authorizing the destruction or receiving the property. An evidence retention schedule (blanket order) provided and signed by the District Attorney will suffice as proper authorization for the release or destruction of items. Dispositions made under this option should reference the evidence retention schedule in the remarks box of the evidence records system. Disposal of evidence and property shall be strictly in accordance with the regulations established in this Manual.

1. PROCEDURES

This chapter outlines specific disposition and release procedures for certain types of evidence that require special handling. Otherwise, the following procedures will be used:

- **Authorized Persons**

The following persons may authorize the release or disposal of property that has been maintained in the evidence locker:

- The assigned investigating officer or his or her supervisor
- The Chief, Captain, or his or her designee
- A judge in any court of law
- The District Attorney or Deputy District Attorneys

- **Release Authority**

The following documents serve as the primary source document and authority for the disposition and release of property and evidence:

- Written correspondence from the District Attorney's Office or Judge
- Court judgments
- A copy of the evidence or property receipt signed by the investigating officer designating specific items for disposal
- The evidence database Request to Dispose form
- The Oregon Judicial Information Network (OJIN) or E-Court computer system may be queried for case status to determine release or disposition eligibility.

2. STATUTE OF LIMITATIONS (ORS 131.105 and ORS 131.125)

The District Attorney and City Attorney may approve disposal of evidence in the interest of justice, prior to the expiration of the statute of limitations.

- **Homicide** – Evidence from homicides will be retained until the defendants die, are released from custody, or until 99 years from the date of the incident, except when disposal or release is ordered by the investigating officer with concurrence from the District Attorney.

No property will be disposed of until any active warrants associated with the case are cleared or the case has been adjudicated.

- **Felonies** – Some felonies have extended statutes of limitation according to ORS 131.125. This information can be found within the Oregon Revised Statutes (ORS). Refer to the Criminal Code Book of the ORS website at <http://www.leg.state.or.us/ors/>.

For all other felonies, maintain evidence for three years. No property from felony cases will be disposed of unless the Evidence Technician receives a court-ordered disposition or other written authorization. For Federal cases, release authorization must be received from The U.S. Department of Justice.

- **Misdemeanors** – Maintain property for 2 years or the legal retention period or until adjudication.
- **Violations/Infractions** – Maintain property for 6 months.
- **No Suspect Cases** – All evidence or property from cases where there are no suspects and no leads will be maintained in accordance with the statute of limitations. However, do not dispose of any items without written authorization from the investigating officer.
- **Appeals/Post Conviction Relief/Habeas Corpus** – Property shall not be disposed of until the appeal period has lapsed or all filed appeals have been exhausted.

In Oregon, the defense has 30 days to appeal from trial court. The first step in the appellate process is known as direct appeal. Once filed, these typically take 2+ years to resolve but can take up to 9+ years. A direct appeal begins with the Oregon Court of Appeals, but can move through the Oregon

Supreme Court and finally the United States Supreme Court. All evidence must be maintained during an active direct appeal.

After direct appeals have concluded, the defense then has an additional 2 years to file for Post Conviction Relief (PCR). A defendant can file for PCR on any conviction, whether a misdemeanor or felony. Whereas direct appeals are filed to challenge what happened in the courtroom during trial, PCR is filed on behalf of the defendant challenging the adequacy of his or her attorney. These proceedings can be lengthy and often take a decade to conclude.

The final method of appeal available is Federal Habeas Corpus. The defendant has up to 2 years to file Habeas Corpus after the conclusion of PCR.

If a state case is dismissed and taken to the Federal level, contact the Department of Justice for advice and further instruction (ORS 138.510).

- **Civil Litigation** – The Dalles Police Department has no responsibility to hold evidence for the purpose of civil litigation. If property is requested by someone other than the rightful owner, a court order must be produced with specific instructions on who should receive the property. The Evidence Technician should receive notification within (30) days after criminal adjudication if the case will be going through civil litigation.

3. GENERAL GUIDELINES

- When there are two or more defendants involved in a criminal case, property will not be disposed of until all defendants' trials have been concluded. Frequently, property/evidence may be retained in cases with multiple defendants; however, the reports may only describe one individual per report. Care must be taken in reviewing property and case reports to ensure that the property proposed for release or disposal is no longer needed for additional suspects' trials.
- The investigating officer shall advise the Evidence Technician when property/evidence is no longer needed and can be disposed of or released.
- Any items bearing a serial number shall be checked through LEDS and NCIC just prior to disposal.
- Property seized pursuant to a search warrant will only be released or disposed of under the authority of a court order or authorization from the District Attorney's Office.

4. RELEASE TO OWNER

This chapter outlines specific disposition and release procedures for certain types of evidence that require special handling. After property and evidence have been authorized for release, the following procedures should be followed:

- Items will only be released from the Police Department.
- If an off-site release is necessary, a sworn member will accompany the Evidence Technician.
- The owner needs to be contacted in writing.
- Arrangements for an appointment should be made with the Evidence Technician.

- Photocopy the recipient's ID.
- Review the property to be returned.
- Have the recipient sign the final release form.
- Scan the form and ID into the records-keeping system and update to reflect the release.

5. GENERAL DESTRUCTION OF PROPERTY/EVIDENCE

After property or evidence has been authorized for destruction, the following procedures should be followed as general guidelines:

- Prior to destruction of any items, a review will be conducted by the Evidence Technician and a sworn supervisor to verify that the proper items were removed from evidence. The Destroy boxes shall be sealed with evidence tape on all edges and open seams. The ET and sworn supervisor shall initial and date across each taped seam. The Destroy box number shall be noted on the case file or paperwork so that the records-keeping system can be updated to reflect which items are contained within each Destroy box.
- Once ready for transportation, all boxes will be checked to ensure seals, initials, and dates are not compromised. All boxes shall be loaded and secured in the canopy portion of the transportation vehicle.
- The ET will review the Authorization to Dispose documentation in the evidence database. The evidence database should document how the item was disposed of, the date of disposal, and the person(s) disposing of the property.
- When disposing of items at the Brooks incinerator in Marion County, personal protective gear including a hard hat, safety glasses, and reflective vest must be worn. Employees who need to ascend to the burn hopper are required to wear long sleeves, completely covering the arms. Disposable gloves, eye protection, and dust masks are recommended.

Refer to the specific disposition and release procedures for certain types of evidence that require special handling found in this chapter.

SECTION 6 – CASE FILE AND RECORD RETENTION REGARDING TDPD EVIDENCE MANAGEMENT

In order to better comply with public records requests, the ET will keep all photos taken during the life of a case until the reports are able to be purged. This includes printed photos and all removable digital media such as Jump drives, CDs and DVDs. This does not include audio or digital media recordings from in-car camera systems.

Digital photos saved on the Department's server system are the responsibility of the officer to maintain.

Once the ET has received legal authority to destroy all evidence associated with a case, the photo exhibits shall be clearly marked with the TDPD incident number and placed in an envelope marked "Evidence Dispositions."

Once all property and evidence have been released or destroyed in a case, the following guidelines will be adhered to for record retention:

- Patrol Offenses – Three years
 - 813.010 – DUII
 - 811.540 – Attempt to Elude (Vehicle & Foot)
 - 811.140 – Reckless Driving
 - 807.570 – Fail to Display/Present Driver’s License
 - 811.182M – Driving while Suspended/Misdemeanor
 - 811.182F – Driving while Suspended/Felony
 - 811.700 – Fail to Perform Duties/Property Damage
 - 811.705 – Fail to Perform Duties/Injury Damage

Patrol offense case files will be maintained for a minimum of three years after the last item was released or destroyed. The case file should be shredded after three years.

- Criminal Offenses

Criminal case files will be maintained on site for three years after the last item was released or destroyed, and then evidence destruction documentation must be forwarded to TDPD administration staff for permanent retention.

Additional considerations:

- DUII/Controlled Substance: Must have a Possession of Controlled Substance (PCS) charge for it to be a criminal case.
- Death investigations, warrant arrests, search warrants, and all criminal violations such as Minor in Possession (MIP), etc. will be filed.

SECTION 7 – ARCHIVING OF CASES

Case files are considered archived when the case is no longer in the records system main file and has been moved to alternate media or storage. The ET will have full access to archived cases for research and disposition purposes.

CHAPTER 8 – EVIDENCE: SPECIFIC HANDLING INSTRUCTIONS

SECTION 1 – ALCOHOL

Examples: Alcoholic beverage containers

1. GENERAL INFORMATION

- Generally, a photograph or video recording of alcohol will suffice.
- Alcohol should only be entered into evidence if it is needed for prosecution.
- It is not necessary to preserve alcoholic beverage containers as evidence with “Drinking on Unlicensed Premises,” “Minor in Possession,” and “Open Container” cases because they are violations.
- Each officer will need to work with the District Attorney and the City Attorney to determine what evidence is needed for prosecution. Some may require that all of the alcohol be kept, while others may allow a representative sample (one can out of the pack, photos, etc.) to be retained and approve the immediate disposal of the rest.

2. PACKAGING

- Leaking containers will not be accepted into evidence. Cans, bottles, and other small containers should be packaged in paper bags, marked, sealed, and initialed correctly.
- If containers are full or heavy, use packaging that will adequately hold the evidence long-term such as double bagging or using a cardboard box that will prevent the packaging from ripping open.
- Kegs should have an evidence tag attached on the side filled out with all appropriate information.
- Several containers (e.g. a six pack) can be packaged together. However, any items that need to go to the OSP Crime Lab for analysis must be packaged separately.

3. SUBMISSION

- Violations
 - Take a picture of the containers seized.
 - Empty contents into the drain and throw away or recycle containers.
 - Place pictures and completed evidence form into the temporary evidence lockers.
 - Kegs will be returned to a distributor.

- Other Crimes
 - Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
 - Place the evidence into the temporary lockers.

4. STORAGE

- Small containers can be stored with general evidence.
- Large containers or kegs should be stored in bulk storage locations.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- Owner Underage or Unable to Locate – Witnessed by a sworn officer, the alcohol may be poured out and containers disposed of or recycled. The Evidence Technician will write a brief explanation of how the alcohol was disposed of in the records management system. The signed form will then be placed in the case file. In no case shall seized alcohol be converted to department or personal use.
- Owner over 21 Years of Age – Alcohol may be returned. Follow normal procedures in Chapter 7, Section 5.4 – Release to Owner.
- Beer Keg – Evidence Technician or officer may return to distributor.

6. EXCEPTIONS/SPECIAL PROCEDURES

In felony cases, all bottles, containers, and their contents may be retained as evidence depending on the prosecution needs for the individual case.

7. OTHER REFERENCES OR INFORMATION

SECTION 2 – AMMUNITION

Examples: Ammunition associated with firearms that are submitted to the evidence locker as evidence, for safekeeping, or found property

1. GENERAL INFORMATION

See the Firearms section in this chapter for more information.

Exception: If the firearm needs to be processed for latent prints and removing the ammunition could jeopardize the latent evidence, a handgun or rifle box with zip ties should be used around the barrel and the grip-stock to secure the firearm inside. Avoid using zip ties around the trigger area with a loaded firearm to prevent accidental discharge. The outside of the box should be clearly marked that the firearm is loaded, and which direction the barrel is facing. The action should be locked open or a chamber flag inserted. Communicate with the OSP Crime Lab and consider hand delivery.

2. PACKAGING

Ammunition should be packaged separately from the firearm. It can be packaged in paper or plastic bags or in small boxes. The packaging should be as small as possible to prevent movement in the packaging, and then repackaged into a standard-sized envelope.

3. SUBMISSION

- Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
- Place the evidence into the temporary locker.
- Large quantities of ammunition will not be stored. The Evidence Technician should seek immediate disposition of the ammunition.

4. STORAGE

- Ammunition is stored and packaged separately in the main evidence locker.
- The ammunition should be kept in a cardboard box or other container within the general storage section of the evidence locker. Shotgun rounds should be kept in a separate cardboard box or container from metal jacketed ammunition.
- The ammunition should be kept in its original evidence packaging unless packaged with other items. If the ammunition is stored with other items, it shall be repackaged and clearly marked with the case number and property room number.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures for ammunition that has been ordered to be destroyed or found/abandoned property:

- When the ammunition is ready for disposal, contact the Oregon State Police and make arrangements to transfer the ammunition.
- A list of the case numbers and property room numbers for the ammunition to be transferred will be compiled. A copy of this list, signed and dated by the Oregon State Police, will be maintained for three years after the transfer.

6. AMMUNITION ASSOCIATED WITH FIREARMS THAT CAN BE RETURNED TO OWNER

Ammunition will only be released when it is specifically identified in the court release order. In this case the firearm(s) will be released first. For added safety the Evidence Technician can use a zip tie to render the firearm(s) inoperable and instruct the owner not to remove the zip tie until he or she is off premises. The owner will take the firearm to his or her vehicle and then return for the ammunition. At any time, the Evidence Technician can request that a sworn member be present and assist with the release of property to owners.

7. AMMUNITION THAT IS VOLUNTARILY FORFEITED BY THE PUBLIC

The Dalles Police Department does not accept ammunition from the public for destruction. Direct any individual requesting this service to the Oregon State Police.

8. EXCEPTIONS/SPECIAL PROCEDURE

- For safety reasons ammunition will not be destroyed by incineration. Make arrangements with an OSP Arson/Explosive section detective for destruction.
- Ammunition will not be given to the OSP Crime Lab for general laboratory use but can be submitted to the OSP Crime Lab for comparison or other analysis as part of a case.

9. OTHER REFERENCES OR INFORMATION

SECTION 3 – ARCHAEOLOGICAL EVIDENCE

Examples:

- Archaeological objects
- Human remains
- Funerary objects, sacred objects, objects of cultural patrimony

1. GENERAL INFORMATION

- Definitions for the examples listed above can be found under ORS 358.905.
- It is important to remember the significance of these items to Native American tribes. Respect for these items and the tribal culture must always be maintained.
- The District Attorney must be notified immediately when an officer seizes these types of items (ORS 358.924).
- Any discovered human remains suspected to be Native American shall be reported to the Oregon State Police, the State Historic Preservation Office (503-986-0684), and the Commission on Indian Services (503-986-1067). ORS 97.745 (4).
- Intertribal Police may also have a specially trained officer who may assist and take possession of the remains or artifacts.

2. PACKAGING

This type of evidence is invaluable and should be carefully packaged to prevent any damage to the items. Some items may be sensitive to light, oils, or temperatures. A box with packing peanuts, bubble wrap, foam, or other cushioning material is ideal. If a box will not work, paper or plastic evidence bags will be acceptable.

3. SUBMISSION

- Seized Items as Evidence
 - Complete a receipt.
 - Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
 - Place the evidence into the temporary lockers.
 - Make notification to the District Attorney.
 - The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.
- Found Human Remains (suspected to be Native American) or Other Found Items
 - Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
 - Place the evidence into the temporary lockers.
 - Contact the State Historic Preservation Office and the Commission on Indian Services.
 - The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

4. STORAGE

The Dalles Police Department will do its best to maintain items of this nature in a manner that will prevent damage or further deterioration.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- **Seized Items as Evidence** – After an investigation and hearing to determine if any person claims the items and has the legal right to possess the items, the items may then be returned to him or her. Items that cannot be returned to the claimant or are not claimed will be released according to the following:
 - Archaeological objects shall be delivered to the Oregon State Museum of Anthropology and curated as described in ORS 358.920 (4) (a).
 - Funerary objects, human remains, sacred objects, and objects of cultural patrimony shall be returned to the appropriate tribe for reburial or other disposition as provided in ORS 358.940.
- **Found Items** – With the help of the State Historic Preservation Office and the Commission on Indian Services, these items will be released to the State Museum of Anthropology or the appropriate Indian tribe.

- **Found Native Indian Remains** – The State Historic Preservation Office and the Commission on Indian Services will help ensure that the remains are returned to the appropriate Indian tribe.

6. EXCEPTIONS/SPECIAL PROCEDURES

7. OTHER REFERENCES OR INFORMATION

Contact Inter Tribal Police for consultation.

SECTION 4 – ARSON

Examples:

- Charred debris
- Igniting devices (fuses, rags, candles, matches)
- Samples of upholstery, carpet, flooring, walls, or soil that may contain accelerants used in arson
- Samples of accelerants or other unknown liquids

1. GENERAL INFORMATION

2. PACKAGING

Because flammable liquids readily evaporate, care must be taken in the collection and packaging of fire debris.

- Containers used to package arson evidence must be airtight to prevent loss of accelerants by evaporation.
- Do not dry arson evidence prior to packaging.
- Each item should be packaged individually to prevent contamination.
- Ensure sharp edges, glass, nails protruding from wood, or other objects are packaged to prevent injury when handling the evidence. Label packaging with hazard warning if necessary.
- Unlined paint cans or Kapak bags (polyester heat seal bags designed to prevent loss of accelerants) are the preferred packaging for arson evidence.
- To seal paint cans, use a piece of evidence tape that starts on one side, crosses the lid and down the other side. Initial over the tape on each side of the can.
- Arson evidence bags need to be heat sealed to prevent the loss of accelerant evidence. Initial and date across the seal.
- Large amounts of flammable liquids will not be accepted into the evidence locker. A picture of the flammable liquid in its original container could be submitted as evidence in its place. A small vial (30ml) of the liquid(s) packaged to prevent breaking (placed into a paint can or surrounded by vermiculite and placed in a bucket or other container) will be accepted. The 30ml vial is adequate for the OSP Crime Lab to complete the analysis; the OSP Crime Lab will not accept larger quantities.

- Contact a State Police Arson investigator for assistance with the handling and disposal of large quantities of flammable liquids.

3. SUBMISSION

- Complete a property receipt.
- Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
- Place the evidence into the temporary lockers.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

4. STORAGE

Arson evidence can be maintained in general evidence or the external safekeeping cage storage for added ventilation.

Soil samples should be frozen prior to forensic analysis to reduce the risk of accelerant degradation. After analysis, these items can be stored in general evidence.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- Clothing or other items that belonged to the victim may be returned.
- All other evidence should be destroyed by incineration.

6. EXCEPTIONS/SPECIAL PROCEDURES

Arson cases are analyzed only in the OSP Crime Lab.

7. OTHER REFERENCES OR INFORMATION

SECTION 5 – BICYCLES

Examples: Found or recovered stolen bicycles, evidence bicycles. Found bicycles with an apparent value of under \$250 will not be accepted.

1. GENERAL INFORMATION

Bicycles should be checked through LEDS (Query Article) to determine if the bike is stolen.

Check under the seat of the bicycle for a decal indicating that the bike has been registered with the National Bike Registry. If a decal is located, record the number and call 1-800-621-0850. Follow the procedures below for the disposition of found bicycles.

Serial numbers are generally found on the front frame or under the pedal casing. Short numbers (S12345) are generally model numbers, and longer numbers (SN12345678910) are serial numbers.

Check to see if the bicycle is registered with The Dalles Police Department.

2. PACKAGING

Attach the evidence tag to the bicycle. Include the case number and date of intake.

3. SUBMISSION

- Ensure that the bicycle is marked with an evidence tag.
- Place the bicycle in the safekeeping cage.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

4. STORAGE

Bicycles will be kept in general evidence storage or the safekeeping cage in the case of a crime. Found bicycles with a value over \$250 will be placed in bicycle impound.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney, City Attorney, or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- **Evidence** – The Evidence Technician is to use discretion in disposing of damaged bicycles. If the bicycle was involved in the death or serious injury of a person, it shall be destroyed by incineration. Other damaged bicycles can be disposed of by dumpster when appropriate.
- **Stolen** – If the bicycle is stolen, send a letter to the owner explaining how to make arrangements to pick up his or her property. If the owner does not respond within 60 days, consider the property abandoned. Once considered abandoned, follow the procedures found in the Chapter 8, Section 25 – Unclaimed Property.
- **Found** – If a bicycle is found by a citizen and he or she wishes to claim the bicycle, he or she must wait 60 days to see if an owner comes forward to provide proof of ownership. If no owner comes forward within 60 days, the bicycle can be released to the finder. If the finder does not want to claim the property, follow the procedures found in Chapter 8, Section 25 – Unclaimed Property.

6. EXCEPTIONS/SPECIAL PROCEDURES

7. OTHER REFERENCES OR INFORMATION

SECTION 6 – BIOLOGICAL EVIDENCE

Examples:

- Biological fluids such as blood, semen, and saliva, any clothing or evidence that contain them or items used to collect them (i.e. swabs)
- Sexual Assault Forensic Evidence kit (SAFE KIT)

1. GENERAL INFORMATION

- Biological evidence is easily destroyed by improper collection, packaging, and storage.
 - Consult with the OSP Crime Lab or the Forensic Field Guide for any questions regarding the collection, packaging or storage of biological evidence, if necessary.
- Gloves must be worn at all times while handling biological evidence.
- SAFE KITS are available from the OSP Crime Lab.
- Blood and urine test kit information can be found under its own heading in this chapter.
- All biological hazardous materials and substances will be packaged and stored with a biohazard warning prominently displayed upon the item and storage location.

2. PACKAGING

- Evidence Containing Biological Fluids such as Blood, Semen, Saliva, etc.

Evidence (including swabs, clothing, and stain cuttings) containing blood, semen, or saliva must be dried completely before packaging into paper bags. Plastic evidence bags retain moisture, which degrades biological evidence, and therefore should not be used. If items need to be dried before packaging, contact the Evidence Technician to designate an area that can be used to dry the evidence while maintaining the chain of custody and security. Guidelines for drying wet biological evidence can be found under subsection Exceptions/Special Procedures of this section.

Each item must be packaged separately to prevent contamination. Several swabs from the same stain can be packaged together, but swabs from different stains (both different types of stains and different locations if more than one is present) must be packaged separately. Mark all packaging that contains biological evidence with a "BIOHAZARD" label.

- Sexual Assault Forensic Evidence Kits (SAFE KITS)

Sexual assault evidence should be collected by medical personnel at a medical facility during a sexual assault examination. The Sexual Assault Forensic Evidence kit (SAFE KIT) has instructions included for medical personnel to use in order to collect the appropriate evidence.

No ET shall accept any SAFE KITS or any evidence collected by a Sexual Assault Nurse Examiner (SANE) unless accompanied by a property receipt. In addition, ETs shall not retrieve any evidence from a SANE directly without explicit direction from a sworn employee.

3. SUBMISSION

All SAFE KITS will be processed in the OSP Crime Lab.

- Evidence Containing Biological fluids such as Blood, Semen and Saliva
 - Complete a property receipt and an OSP Form 49 (Forensics Receipt).
 - Ensure that the evidence is thoroughly dry and that the packaging is adequate, marked correctly, including BIOHAZARD label, and initialed across the seal.

- Place the evidence into the temporary lockers.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing and send items to the OSP crime lab for analysis as requested.
- Sexual Assault Forensic Evidence Kits
 - Complete a property receipt.
 - Ensure that the packaging is in its original envelope, marked correctly, and initialed across the seal.
 - Place the evidence into the temporary evidence refrigerator.
 - The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

4. STORAGE

All biological evidence that is packaged properly should be maintained in temperature-controlled general evidence storage. SAFE KITS and blood samples should be stored in a refrigerator. Effort shall be made to safeguard this type of evidence against extreme heat, which can degrade it, making analysis unsuccessful.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- Clothing or personal items can be returned to the owner.
- Biohazard evidence such as SAFE KITS, swabs, or other contaminated items must be destroyed by incineration.

ORS 133.707 Custodians Obligation to Preserve Biological Evidence

A custodian shall preserve biological evidence in accordance with ORS 133.707 if the evidence:

- Is collected as part of a criminal investigation in a covered offense.
- Is otherwise in the possession of the custodian and reasonably may be used to incriminate or exculpate any person for a covered offense.

Covered Offense

SAFE KITS will be maintained for 60 years from the date of collection or until each person convicted of the offense has died, whichever is earlier. For all other cases ORS 131.125 will govern the retention of the evidence. The District Attorney may direct retention or disposition of SAFE KIT evidence once the case has been concluded.

If the covered offense is aggravated vehicular homicide, manslaughter in the first degree, or manslaughter in the second degree, until each person convicted of the offense has served the person's sentence.

If no person is convicted of the covered offense or the law enforcement agency investigating the covered offense closes the case for a reason other than the conviction of a person, until the expiration of the statute of limitations.

6. EXCEPTIONS/SPECIAL PROCEDURES

Drying Procedures

Ideally, evidence should be hung up or positioned so that air can get to all sides. It should be placed in an area that can be secured and has some ventilation. If hanging is not feasible, the items should be laid out on a flat, non-porous surface and routinely turned until dry. If more than one item needs to be dried, sufficient space needs to be maintained between the items to prevent cross contamination. A separate piece of clean butcher paper should be placed below each individual item to catch any trace evidence that may fall off while drying. If trace evidence could be important to the case, submit the butcher paper in separate paper packaging to the OSP Crime Lab.

7. OTHER REFERENCES OR INFORMATION

SECTION 7 – BLOOD ALCOHOL AND URINE TEST KITS

Examples: Blood Alcohol or Urine test kits

1. GENERAL INFORMATION

- Blood Alcohol and Urine test kits are available from the stockroom.
- Toxicology cases involving urine and blood testing by the OSP Crime Lab often have a court date set within a few weeks of the incident. In addition, blood and urine can degrade quickly if not refrigerated. Kits should be submitted to the OSP Crime Lab as soon as is reasonably possible.
- Avoid using expired blood kits if possible.
- Drug-Recognition Expert (DRE) re-certifications are not evidence and can be destroyed.

2. PACKAGING

Urine and blood should be collected and packaged in the kits provided by the stockroom. They should be placed into the temporary evidence refrigerator as soon as possible. If refrigeration is not possible, the kits can be placed into a temporary locker for up to three days (over a weekend) before being sent to the OSP Crime Lab.

3. SUBMISSION

- Complete a property receipt.
- Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
- Place the evidence into the temporary evidence refrigerator or a temporary evidence locker if space is not available.
- Notify detectives if the item requires submission to the OSP Crime Lab.

- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

4. STORAGE

- Blood should be stored in the refrigerator; urine should be stored in the freezer.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- All blood and urine kits must be destroyed by incineration.

6. EXCEPTIONS/SPECIAL PROCEDURES

7. OTHER REFERENCES OR INFORMATION

SECTION 8 – COMPUTER/ELECTRONIC EVIDENCE

Examples: Computers, laptops, cell phones, digital cameras, computer disks, and computer media such as CDs, thumb drives, etc.

1. GENERAL INFORMATION

Information about the various types of electronic evidence, evidence collection, packaging, and transporting of that evidence can be found in the National Institute of Justice (NIJ) Guide *Electronic Crime Scene Investigation - A Guide for Law Enforcement* available on the web at <http://www.ojp.usdoj.gov/nij>.

2. COMPUTERS, CELL PHONES, DIGITAL CAMERAS, SOFTWARE, AND OTHER MEDIA

- The FBI Computer Crimes Unit Northwest RCFL (Regional Computer Forensics Lab) is a valuable resource for answering questions regarding computers, cell phones, digital cameras, and software or other media. Contact them at (503) 249-3750 for assistance.
- When seizing laptops, cell phones, or digital cameras, be sure to also seize the power source cable, cradle, or interface cable, and any extra memory cards that may be present.
- These items can be transported in the trunk of a vehicle; items should not be placed directly on any radio equipment.

3. CELL PHONES

- It is the investigating officer's responsibility to determine the importance of a cell phone or other device in a case. Potential evidence from these items such as stored numbers, information, or incoming calls or pages must be obtained lawfully.
- Continually accessing the device by an Evidence Technician to retrieve communications without proper authorization can be construed as unlawful interception of electronic communication and will not be allowed.

- If the investigating officer needs to keep the device powered up, the ET can replace batteries as needed or use the power source for the phone to maintain its memory. This decision will be made on a case-by-case basis with the approval of a supervisor.

4. PACKAGING

- Styrofoam peanuts should not be used to package this type of evidence due to the static charge. Foam is recommended for packaging items that need to be shipped.
- Regular plastic bags can cause static and should not be used to package computer media. Paper bags or envelopes should be used for these items.
- CDs that do not have a protective case should be packed to prevent scratches using a manila envelope, or something similar, folded over to prevent sliding.
- If several CDs are seized without protective cases, they can be stacked and packed together in a box or other container that will prevent excessive movement within the package.
- Large items such as CPUs, monitors, printers, laptops, and scanners do not need to be packaged. An evidence tag should be placed on the item.
- Other items, excluding computer media, can be packaged in either paper or plastic bags.

5. SUBMISSION

- Complete a property receipt.
- Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
- Place the evidence into the temporary lockers. If the items are too large, put them in a place designated by the Evidence Technician.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

6. STORAGE

Extreme heat and cold, moisture, and magnetic sources can affect computer and electronic evidence. These items should be stored in a location that has some temperature control. Evidence lockers at the station are generally fine to store this type of evidence. Outside sheds or remote locations are not recommended for this evidence.

Computer and electronic evidence can be destroyed by falling off a shelf or being dropped. Maintaining these items on lower shelves will reduce the amount of damage sustained if they were dropped or they fell.

7. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- Items seized under a search warrant will only be released or destroyed by District Attorney authorization or court-ordered disposition.
- Other crimes involving computer and electronic evidence will be released or destroyed according to court order or authorization from the District Attorney.
- It is Department Policy not to return found computer and electronic items to the finder if the owner is unable to be located due to the personal information that these items can contain. These items will be destroyed.
- Hard drives, SIM cards, and other portable media can be removed and destroyed by incineration. Other electronic devices without personal information can be recycled locally.

8. EXCEPTIONS/SPECIAL PROCEDURES

9. OTHER REFERENCES OR INFORMATION

SECTION 9 – CONTROLLED SUBSTANCES

Examples:

- Mushrooms, Peyote, Opium Poppies
- Methamphetamine, Cocaine, Heroin, LSD, MDMA, Prescription drugs, Fentanyl, etc.

1. GENERAL INFORMATION

- Medical/Recreational Marijuana procedures can be found in this chapter under Controlled Substances – Medical/Recreational Marijuana.
- Drug test kits used in the field will not be accepted into evidence. Refer to Chapter 8, Section 14 – Drug Test Kits for further information.
- Drugs tested in the drug test kits cannot be further analyzed and therefore should not be submitted to the OSP Crime Lab for analysis.
- Syringes, razors, and other sharp objects (sharps) will not be accepted by the OSP Crime Lab for analysis unless the District Attorney’s Office has given notice of their intent to prosecute the case. All sharps should be separated from other evidence that requires analysis. Contact the OSP Crime Lab for more information.

2. WEIGHING OF CONTROLLED SUBSTANCES

All drug evidence shall be weighed prior to and after packaging, including pills. Different types of drugs shall be weighed and packaged individually. The weight must be reported on the property receipt and evidence packaging.

- **Quantity:** The quantity indicates the number of “containers” (e.g., 13 plastic bags of white powder).
 - Pills – All pills, capsules, and/or tablets shall be submitted with a count, weight, and description listed on both the property receipt and evidence packaging.

- **Item Weight:** The item weight is the weight of the drug inside its first container (e.g., there is a wooden box with a plastic baggie of marijuana inside, the item weight would be the plastic bag with the marijuana). Oversized or heavy containers shall not be submitted unless the case requires it.
- **Package Weight:** The package weight is the weight of the drug and containers after they have been placed inside evidence packaging and sealed with evidence tape. Weigh the packaging on an electronic digital scale just prior to placing the evidence in the temporary lockers. If the package weight is not noted on the evidence receipt AND evidence packaging, the Evidence Technician will refuse the exhibit.

The following procedure should be used for weighing material on an electronic digital scale:

- Start by zeroing the scale.
- Place the material to be examined on the scale and weigh it.
- Read the weight to the nearest 0.1 gram and note this weight on the evidence receipt and evidence packaging.

3. PACKAGING

- Mushrooms, peyote, opium poppies and other plant materials should be packaged in paper to prevent decomposition of the evidence.
- Controlled substances should be double-bagged for safety.
- No more than two pills, capsules, and/or tablets of each type shall be submitted to the OSP Crime Lab for testing. The number and description of the pills, capsules, and/or tablets shall be listed on the Form 49. Additionally, these items should be sealed in a clear plastic bag so they can be seen through the packaging.
 - An exception will be made for 3 or 4 methylenedioxymethamphetamine (MDMA/Ecstasy), 3 or 4 methylenedioxyamphetamine (MDA), and 3 or 4 methylenediody-N-ethylamphetamine (MDEA) pills, capsules and/or tablets if a laboratory report listing the total number is needed for enhancement purposes.
- If a seizure of more than two pills, capsules, and/or tablets is submitted to evidence and the officer is aware that laboratory analysis will be requested, it is the responsibility of the officer to package two pills, capsules, and/or tablets in a separate evidence package for laboratory submission.
- Other controlled substances should be packaged in plastic bags. The use of heat-sealing plastic bags is the most effective method of packaging for controlling odors and preventing exposure and/or contamination due to leaks or deteriorating evidence.
- Items from any controlled substance case that need to go to the OSP Crime Lab for analysis must be packaged separately. The OSP Crime Lab will only test two exhibits per suspect.
- Bindles that are sealed or not leaking and that come from the same location (e.g., suspect's front pocket) can be packaged together. Bindles that are leaking or open or that come from different locations, (e.g., suspect's front pocket and the passenger's side of the car) should not be

packaged together. Other items such a spoon with residue or other drug related items must be packaged separately to prevent contamination.

- If latent print analysis is requested on a bindle or baggie (the drug packaging), the drugs must be removed from the drug packaging and repackaged. Only the packaging that contained the drugs should be sent to the OSP Crime Lab. If both latent print and controlled substance analysis is requested, the drugs must still be removed from the packaging by the submitting/investigating officer prior to the forensic analysis.

4. SUBMISSION

- Complete a property receipt.
- Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
- If the item was removed from a body orifice, it must be labeled with a BIOHAZARD sticker or marked to indicate it contains a BIOHAZARD.
- Place the evidence into the temporary lockers.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.
- Detectives should be alerted if OSP Crime Lab submission is required.
- Drugs tested in drug test kits cannot be further analyzed and, therefore, should not be submitted to the OSP Crime Lab for analysis.
- Syringes, razors, and other sharp objects (sharps) will not be accepted by the OSP Crime Lab for analysis unless the District Attorney’s Office has given notice of its intent to prosecute the case. All sharps should be separated from other evidence that requires analysis. Contact the OSP Crime Lab for more information.
- Only the items that will be tested for controlled substances should be sent to the OSP Crime Lab. Example: An officer finds three bindles in a purse. Only submit the three bindles, not the purse, for controlled substance analysis.

5. STORAGE

Controlled substances can be maintained in general evidence storage. Ideally large quantities of controlled substances should be stored in a ventilated locker that has additional security. Examples of providing additional or secondary security include using a file cabinet with a padlock or a locking closet/cabinet within the evidence locker to maintain the evidence.

At any time when controlled substance evidence is decomposing, deteriorating its packaging, extremely odiferous, or otherwise poses a health threat to the Evidence Technician, the ET should seek an immediate disposition.

6. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- All controlled substances must be destroyed by incineration.
- The Evidence Technician and a sworn supervisor will review the authority for destruction of each case, and place all items ready for destruction into a box that is tape sealed, dated, and initialed by both the ET and the supervisor.
- Other incinerator facilities can be used with Police Chief approval. Procedures for those facilities can be made by the Evidence Technician and approved by the Police Chief.
- The ET will be accompanied by a sworn supervisor to destroy the evidence at the burn facility.

7. EXCEPTIONS/SPECIAL PROCEDURES

8. OTHER REFERENCES OR INFORMATION

SECTION 10 – CONTROLLED SUBSTANCES – MEDICAL AND RECREATIONAL MARIJUANA

Examples: Marijuana, paraphernalia used to administer the marijuana

1. GENERAL INFORMATION

- See ORS 475.300 to 475.346 for the Oregon Medical Marijuana Act.
- Medical use of Marijuana - means the production, possession, delivery, or administration of marijuana, or paraphernalia used to administer marijuana as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of his or her debilitating medical condition. ORS 475.302(7)
- Usable marijuana means the dried leaves and flowers of the plant Cannabis, and any mixture or preparation thereof, that are appropriate for medical use as allowed in ORS 475.300 to 475.346. "Usable marijuana" does not include the seeds, stalks, and roots of the plant. ORS 475.302(10)
- Evidence seized in connection with medical marijuana usage shall not be harmed, neglected, injured, or destroyed while in the possession of the law enforcement agency. However, a law enforcement agency has no responsibility to maintain live marijuana plants lawfully seized. ORS 475.323(2)
- It is recommended to contact the District Attorney's Office immediately for cases that may involve the Medical Marijuana Act, especially when live plants are taken.
- BM 91 passed in 2014 by the voters of Oregon, legalizing recreational marijuana for adults.

2. PACKAGING

- Marijuana (MJ) plants must be allowed to air dry before being packaged for permanent storage. Small amounts of wet marijuana can be packaged in paper and will dry adequately.
- Paper bags will be used to package marijuana.
- Plastic or paper bags, boxes, or containers can be used to package the paraphernalia used to administer marijuana. Extra care must be taken to ensure these items will not break during normal evidence maintenance and storage.
- Live plants should be uprooted, leaving the root ball intact but removing as much dirt as possible, dried, and then packaged whole, in paper, so that the entire plant that was received can be returned. The pot should be packaged as well.
- Items from a less-than-an-ounce MJ case (pipe and MJ) can be packaged together in the same envelope.

3. SUBMISSION

- Complete a property receipt.
- Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
- Place the evidence into the temporary lockers. If the items are too large, put them in a place designated by the Evidence Technician.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

4. STORAGE

This evidence can be maintained in general evidence storage.

5. DISPOSITION

In cases where marijuana and paraphernalia were seized due to criminal actions as outlined in ORS 475.316, the suspect and the evidence are subject to normal controlled substance evidence procedures. Refer to Chapter 8, Section 9 – Controlled Substances for more information.

Medical or recreational marijuana that has been taken into evidence lockers for safekeeping or has been seized subsequent to arrest but will not result in prosecution will not be returned. The procedures are listed below and do not conform to the standard evidence or safekeeping disposition protocols.

6. EXCEPTIONS/SPECIAL PROCEDURES

There are two exceptions to the standard disposition of marijuana as it relates to the Oregon Medical Marijuana Program and recreational marijuana.

- Medical marijuana that has been seized as evidence of a crime or violation will only be returned to the owner with a signed release order from the District Attorney's Office in the county of venue in

which the marijuana was seized. The claimant must have a valid Oregon Medical Marijuana Card at the time of return.

- Medical marijuana which is received by the Department that has not been seized, but comes into our possession as safekeeping property, will only be returned to the owner based on the direction of the District Attorney.

To confirm Medical Marijuana cardholder status, the ET can query LEDS or call the Oregon Medical Marijuana Program law enforcement only line at 971-673-1234.

7. OTHER REFERENCES OR INFORMATION

SECTION 11 – CURRENCY

Examples:

- Currency that has evidentiary value such as Counterfeit, Contaminated, Recovered, "Buy" money, etc.
- Other currencies that come into the Department's possession such as Found, Safekeeping, etc.

1. GENERAL INFORMATION

- Gloves should be worn while handling currency to prevent exposure to possible contaminants.
- A currency worksheet must be completed for all currency maintained in the evidence locker.
- The District Attorney will direct the disposition of money with specific instructions as to whether the money should be deposited, returned, or donated. Ideally, the instructions will include a specific bank account number in which the currency may be deposited.
- Asset forfeiture is a complex procedure that should be led and documented by the District Attorney or other prosecuting attorney.

2. PACKAGING

- Currency should be packaged in pre-printed plastic currency bags. If the currency is wet it should be packaged in paper. If the currency has suspected drug residue, it should be packaged in plastic.
- If the currency is contaminated, both the packaging and the evidence receipt should be marked accordingly. The bank considers all currency from drug cases to be contaminated. If contamination is in the form of blood, apply a BIOHAZARD sticker to the packaging.
- The packaging must be strong enough to hold the currency and coin to prevent any loss.
- Two officers will count the currency.
- No currency will be accepted without two signatures and dates on the seal.

3. SUBMISSION

- Complete an evidence receipt.

- Ensure that the packaging is adequate, marked correctly, and initialed across the seal by both the submitting officer and a witness.
- Place the evidence into the temporary lockers.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

4. STORAGE

Ideally, currency should be stored in the safe within the evidence locker or using secondary security. Examples of providing additional or secondary security include using a safe, a file cabinet with a padlock, or a locking closet/cabinet within the evidence locker to maintain the evidence.

U.S. Currency should be deposited as soon as possible in the bank. Contact the Finance Department at City Hall for assistance in making deposits. The ET with a sworn officer will transfer the currency to the bank after it has been processed by the Finance Department. Maintain the packaging in evidence storage to assist in future evidence review to obtain disposition.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the currency using the following procedures:

- Currency with Evidentiary Value – Follow Chapter 7, Section 6 – General Release and Disposal Guidelines in this Manual. Also, see Exceptions/Special Procedures for counterfeit and contaminated currency below.
- Found, Safekeeping Currency – Follow the procedures under Chapter 8, Section 25 – Unclaimed Property or Chapter 8, Section 23 – Safekeeping.
- To return money that is held in the bank, fill out a Check Request Form and submit it to the Finance Department at City Hall. They will issue a check to the appropriate person and it can be picked up by the ET or will be sent to the ET through inter-office mail. Standard evidence return procedures will then be used to release the check to the owner.

6. EXCEPTIONS/SPECIAL PROCEDURES

- Counterfeit Currency – Once the court order or DA signature authorizing disposal has been obtained, counterfeit currency should be disposed of by releasing it to the U.S. Secret Service. Contact the Portland USSS office at (503) 326-2162 for assistance.
- Contaminated Currency – Contaminated currency should be ~~exchanged at a~~ deposited in the bank. The bank will destroy the contaminated currency and deposit an equal amount into the account. Contact the Finance Department at City Hall for assistance in depositing contaminated money.

7. OTHER REFERENCES OR INFORMATION

SECTION 12 – DANGEROUS WEAPONS

Examples: Bows, switchblades, knives with blades that cannot be retracted or sheathed, dagger, slingshot, metal knuckles, etc.

1. GENERAL INFORMATION

- Items that could be accidentally activated or discharged should not be accepted into evidence.
- Suspicious packages, mail, or substances associated with biological weapons will not be accepted into the evidence system.

2. PACKAGING

- Any item that has sharp edges or points or that could cause injury by accidental contact should be packaged securely in a cardboard box. The box should be clearly marked with the contents to protect other employees. The temporary evidence room contains knife boxes which can be used for any sharp item that fits in the box and labeled appropriately. If different-sized boxes are needed, contact the ET for assistance.
- If the item contains blood or other possible biological material, place a BIOHAZARD sticker on the box and mark the item as a hazard on the receipt.

3. SUBMISSION

- Complete a receipt.
- Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
- Place the evidence into the temporary lockers.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

4. STORAGE

Once packaged safely, this evidence can be maintained in general evidence storage.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- Dangerous weapons should be destroyed by incineration.

6. EXCEPTIONS/SPECIAL PROCEDURES

7. OTHER REFERENCES OR INFORMATION

SECTION 13 – DECEASED PRINT CARDS

Examples: Deceased person fingerprint cards

1. GENERAL INFORMATION

Print cards and evidence information can be found under Chapter 8, Section 20 – Latent Print Evidence. Deceased prints cards are not maintained in evidence.

2. PACKAGING

- Package the deceased print card in a sheet protector with a warning label affixed that states "Warning - Deceased Prints."
- Put both the packaged deceased print card and a copy of the deceased print worksheet into a manila envelope. DO NOT SEAL. The Evidence Technician will seal the envelope after he or she processes it.

3. SUBMISSION

- Place the packaged deceased print card and the deceased print worksheet into the temporary lockers or other designated location.
- The Evidence Technician will make a copy of the deceased print worksheet to keep for his or her records, prepare the envelope, and mail to the Criminal Justice Information Services division:

OSP - Criminal Justice Information Services Division (CJIS)
3565 Trelstad Ave SE
Salem, OR 97317

4. STORAGE

5. DISPOSITION

6. EXCEPTIONS/SPECIAL PROCEDURES

7. OTHER REFERENCES OR INFORMATION

SECTION 14 – DRUG TEST KITS (Single use)

Examples: NIK (Narcotics Identification System) or other field drug test kits

1. GENERAL INFORMATION

- These items will not be accepted into evidence. They are to be disposed of by the investigating officer.
- Drugs tested in these kits cannot be further analyzed and, therefore, should not be submitted to the laboratory for analysis.

- NIK kits showing a reaction shall be photographed.

2. PACKAGING

3. SUBMISSION

4. STORAGE

5. DISPOSITION

Old NIK or other drug test kits found in the evidence locker should be packaged to prevent leaks and possible exposure and disposed of immediately by incineration.

6. EXCEPTIONS/SPECIAL PROCEDURES

7. OTHER REFERENCES OR INFORMATION

SECTION 15 – EXPLOSIVES

Examples: Pipe bombs, commercial explosives, fused CO₂ (Carbon Dioxide) cartridges, M-80 or larger tubed cardboard explosives, improvised explosive mixtures, blasting caps and detonators.

1. GENERAL INFORMATION

- Explosives will not be accepted into evidence.
- Explosive means a chemical compound, mixture or device that is commonly used or intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous release of gas and heat, including but not limited to dynamite, blasting powder, nitroglycerine, blasting caps and nitro jelly, but excluding fireworks as defined in ORS 480.110(1), black powder, smokeless powder, small arms ammunition and small arms ammunition primers. ORS 164.055(2)(b)
- The OSP bomb disposal technicians are available to provide expertise to all agencies in the state investigating incidents involving explosives that constitute a hazard or potential hazard. The Department disposes of all explosives through the arson/explosives units. The phone number for the OSP Arson/Explosives unit is (503) 378-3720.

2. PACKAGING

3. SUBMISSION

4. STORAGE

5. DISPOSITION

6. EXCEPTIONS/SPECIAL PROCEDURES

7. OTHER REFERENCES OR INFORMATION

SECTION 16 – FIREARMS

Examples: Handguns, rifles, shotguns, etc.

1. GENERAL INFORMATION

- Firearm means a weapon, by whatever name known, which is designed to expel a projectile by the action of powder and which is readily capable of use as a weapon. ORS 166.210
- DO NOT SUBMIT A LOADED FIREARM INTO EVIDENCE.
- All firearm packaging should be noted with “SAFE” or “UNLOADED” to clearly designate that the firearm has been rendered safe.
- The only exception would be when the firearm needs to be processed for latent prints and removing the ammunition could jeopardize the latent evidence. In that situation a handgun or rifle box with zip ties should be used around the barrel and the grip/stock to secure the firearm inside. Avoid using zip ties around the trigger area with a loaded firearm to prevent accidental discharge. The outside of the box should be clearly marked that the firearm is loaded, and which direction the barrel is facing.
- Firearms that need to be processed for latent prints and cannot be rendered safe (or unloaded) should be hand delivered to the OSP Crime Lab immediately.
- ATF gun tracing can produce analytical information that may lead to gun trafficking or other crimes. All guns used in a crime should be traced to determine original ownership.

2. PACKAGING

- ALL FIREARMS MUST BE RENDERED SAFE. Rendered safe means either unloaded or, if unable to be unloaded, made secure in a way to prevent discharge. If a firearm cannot be rendered safe it will not be accepted into evidence. If a firearm that is unable to be rendered safe is needed for analysis, it should be delivered to the OSP Crime Lab immediately. The laboratory staff must be notified that the firearm is not rendered safe.
- Firearms will be packaged in gun/rifle boxes. The firearm should be secured in the box by zip ties or similar item. If a firearm does not fit in the boxes provided and will not need to be analyzed by the OSP Crime Lab, an evidence tag may be used. If the firearm does not fit in the boxes provided and needs to be analyzed by the OSP Crime Lab, contact the ET for assistance in obtaining adequate packaging.
- All firearms containing biohazards must be packaged in a box with a BIOHAZARD label placed on the outside and the receipt marked accordingly. If the firearm does not fit in the boxes provided and contains biohazards, contact the ET for assistance in obtaining adequate packaging.
- Evidence tags or boxes must be marked with case information.
- The action/cylinder should be zip-tied open, or a chamber flag should be used.
- Evidence tape must cover the seams of the box and be signed across the edge.

3. SUBMISSION

- Complete an evidence receipt.

- Ensure that the firearm is rendered safe and that the packaging is adequate, marked correctly (including a BIOHAZARD label if needed), and initialed across the seal.
- Place the evidence into the temporary lockers.
- The firearm should be checked through LEDS/NCIC to determine if it has been reported stolen.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

4. STORAGE

Firearms can be maintained in general evidence storage. Ideally, firearms should be stored in a locker that has additional security. Examples of providing additional or secondary security include using a locking closet/cabinet within the evidence locker or running a cable and padlock through the trigger guard area of the firearm if maintained in an open gun rack or shelf within the evidence locker.

If an open gun rack or shelf is used, care should be taken to ensure that the firearm cannot be damaged or fall from the shelf or rack.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- Prior to the release of any firearm, the person receiving the firearm (either the finder, owner, or third-party designee) will have a criminal background check performed by the Evidence Technician to verify they can lawfully possess a firearm. See Criminal Background Check Procedures below.

Disposal of Firearms

Firearms should be checked through LEDS/NCIC Query Gun (QG) before destruction to ensure that the firearm has not been reported stolen.

All firearms will be destroyed by smashing, cutting, or milling the frame or receiver or by incineration which is the preferred method.

Returning to Owner

- Send a letter to the owner explaining the release process and arrangements that need to be made with the Evidence Technician.
- The ET will gather the necessary information to complete the Criminal Background check using the procedures listed under Criminal Background Check.
- If the individual and the firearm are clear, set up an appointment with the owner to return the firearm.
- Upon arrival of the owner, the ET will obtain his or her driver's license and make a copy and use the Final Release to Owner document to obtain the individual's signature.

- Upon completion of the background check, the ET will document the transfer in department records.

Found Firearms

If the finder expresses interest in retaining the weapon, he or she must follow the rules for finder's rights. If the finder is lawfully able to possess a firearm and the firearm is legal to possess, the firearm shall be released to the finder upon completion of finder's rights as listed in ORS 98.005.

Retention for Departmental Use

A court order must specifically authorize the retention of any firearm for Department use. Upon receipt of the court order, the Evidence Technician will make arrangements with the Range Master to lawfully transfer the firearm to him or her. The case will be updated with the disposition of the firearm and the court order will be maintained in the case file.

Sale

The sale of firearms is permissible if approved by the Chief of Police and only if the value of the firearms warrants. Firearms of historic value or high monetary value may be sold. If firearms are to be sold, a licensed firearms broker must be used to ensure lawful transfer. Firearms of average value or in poor condition shall be destroyed.

6. CRIMINAL BACKGROUND CHECK PROCEDURES

Background checks consist of searching the following:

- Running a Computerized Criminal History (CCH) through LEDS (QWHD) and a Rap Run sheet (RR).
- Oregon mental health data records contained in LEDS
- Oregon Department of Corrections Database via LEDS
- Query the firearm through LEDS (QG).
- A gun trace through the ATF National Tracing Center to verify owner information. If an owner can provide a receipt or proof of ownership, that can also be considered for owner verification.

Query OJIN (Oregon Judicial Information Network) or E-Court to see if any court-related matters exist that would disqualify the individual from possessing the firearm. Some matters may be in OJIN that have not been updated or added to the Computerized Criminal History (CCH).

7. EXCEPTIONS/SPECIAL PROCEDURES

8. OTHER REFERENCES OR INFORMATION

SECTION 17 – FIREWORKS

Examples:

- Retail Sales Fireworks – Class C consumer fireworks that do not explode, fly into the air, or travel more than six feet horizontally and/or 12 inches vertically from the point of ignition. Includes cone

fountains, cylindrical fountains, flitter sparklers (wood core), ground spinners, illuminating torches, and wheels, etc.

- Public Display Fireworks – Class B Display fireworks and Class C consumer fireworks that do not meet the definition of novelties and trick noise makers and cannot be sold as retail fireworks. Includes any firework which explodes, flies into the air, or travels more than six feet on the ground or 12 inches into the air. Examples are small and regular firecrackers, Crazy Jacks or Jumping Jacks, Missile Rockets, Sky and bottle rockets, Roman candles, mortars, and aerial spinners.
- Novelties and Trick Noisemakers – Any item which produces smoke, ash, or a small noise are not considered to be fireworks.

1. GENERAL INFORMATION

- Fireworks should generally be photographed, destroyed by soaking in water and disposal.
- Fireworks will never be converted to Department or personal use.
- Class B and Class C fireworks as well as novelties and trick noisemakers are considered stable for storage and can be accepted into evidence.
- Illegally manufactured or altered fireworks will not be accepted into evidence. Contact the State Fire Marshal's office for assistance with disposal.
- Large amounts of confiscated fireworks should not be stored in the evidence locker. Contact the State Fire Marshal to make arrangements for delivery and storage.

2. PACKAGING

Paper bags or envelopes, plastic bags, or boxes can be used to package this type of evidence.

3. SUBMISSION

- Complete an evidence receipt.
- Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
- Place the evidence into the temporary lockers.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

4. STORAGE

- Fireworks can be maintained in general evidence storage.
- The items should be kept in their original evidence packaging unless packaged with other items. If fireworks are stored with other items, they shall be repackaged and clearly marked with the case number and property room number.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- Soak in a bucket of water until they degrade.

6. EXCEPTIONS/SPECIAL PROCEDURES

7. OTHER REFERENCES OR INFORMATION

SECTION 18 – GROW EQUIPMENT

Examples: Hoods, ballasts, generators, hoses, lighting equipment, pots, potting soil, fertilizer, etc.

1. GENERAL INFORMATION

2. PACKAGING

- Large items should be marked with evidence tags.
- Small items can be packaged in plastic or paper bags.

3. SUBMISSION

- Complete a property receipt.
- Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
- Place the evidence into the temporary lockers or other designated location.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

4. STORAGE

- Large items can be stored in a secured shed, shop, or other location.
- Small items can be maintained in general evidence storage.
- Refer to Chapter 8, Section 9 – Controlled Substances page for storage guidelines.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- Follow Chapter 7, Section 6 – General Release and Disposal Guidelines in this Manual.
- Controlled Substances must be destroyed by incineration. Refer to Chapter 8, Section 9 – Controlled Substances for procedures.

6. EXCEPTIONS/SPECIAL PROCEDURES

7. OTHER REFERENCES OR INFORMATION

SECTION 19 – HAZARDOUS MATERIALS

Examples: Hazardous materials can be certain chemicals, solids, liquids or gasses. These materials include clandestine laboratory chemicals, transportation accidents, or other chemical incidents.

1. GENERAL INFORMATION

- HAZMAT teams or other specially qualified individuals will respond to these incidents. All hazardous materials will be removed and destroyed by HAZMAT. Samples will only be taken by trained individuals. Contact the Oregon State Fire Marshal's Office for assistance.
- Quantities over 30ml liquids and 30g solids should not be stored in the evidence locker. Representative samples of less than 30ml or 30g are adequate for analysis, if needed.
- Clandestine lab samples that are adequately packaged can be stored in the evidence locker.

2. PACKAGING

If a sample of less than 30ml liquid or 30g solid must be stored in the evidence locker, it must be packaged correctly.

- Each sample must be less than 30ml (liquid) or 30g (solid).
- The vial or container used for the sample is not over-filled thus causing rupture when heat expands the substance. Acceptable vials/containers include:
 - Plastic containers at least 0.2mm thick
 - Earthenware
 - Glass
 - Metal
- Each vial/container with a removable closure (lid) must be secured with wire, tape, or by any other positive means.
- Each vial/container must be surrounded by a cushioning and absorbent material that:
 - Will not react chemically with the sample.
 - Is capable of absorbing the entire contents (if a liquid) of the sample.
- Several vials can be placed in a large container such as a bucket that will contain any leaks as long as the vials are packaged correctly, and absorbent material is used to absorb any leaks should they occur.
- Evidence tape should be used to seal the bucket.

- Kitty litter is not acceptable as it has odor-reducing components (oxidants) that will interact with certain chemicals in the event of a spill. Diatomaceous earth, vermiculite, or a clay-based absorbent used by the automobile industry are acceptable alternatives.

3. SUBMISSION

- Complete a property receipt.
- Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
- Place the evidence into the temporary lockers or other designated location.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

4. STORAGE

This type of evidence should be stored in an outside shed or building, as long as the temperatures do not reach extreme heat or cold.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

All hazardous materials must be destroyed by a HAZMAT team or other specially-trained individuals. Contact the OSP Crime Lab for information related to the disposal of these items.

6. EXCEPTIONS/SPECIAL PROCEDURES

7. OTHER REFERENCES OR INFORMATION

SECTION 20 – LATENT PRINT EVIDENCE

Examples: Evidence with latent prints, latent print lift cards, elimination prints

1. GENERAL INFORMATION

2. PACKAGING

- All lift cards, once properly marked, can be packaged into one envelope.
- Papers and other porous items can be packaged together in an envelope.
- Non-porous items must be packaged separately from each other and not be allowed to move excessively within their packaging, which can cause the prints to be destroyed. They should be packaged in paper bags as plastic bags can create friction and destroy the prints as well.
- If latent print analysis is requested on a bindle or baggie (the drug packaging), the drugs must be removed from the drug packaging and repackaged. Only the packaging that contained the drugs should be sent to the OSP Crime Lab. If both latent print and controlled substance

analysis is requested, the drugs must still be removed from the packaging by the submitting/investigating officer prior to the forensic analysis.

3. SUBMISSION

- Complete a receipt for physical evidence.
- Ensure that the evidence is thoroughly dried, and the packaging is adequate, marked correctly, and initialed across the seal.
- Place the evidence into the temporary lockers.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing and submit it to the OSP Crime Lab, if requested.

4. STORAGE

Latent print evidence can be maintained in general evidence storage.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- Follow procedures for disposal outlined in Chapter 7, Section 6 – General Release and Disposal Guidelines.

6. EXCEPTIONS/SPECIAL PROCEDURES

7. OTHER REFERENCES OR INFORMATION

SECTION 21 – PERSONNEL INVESTIGATIONS

Examples: Audio and videotapes, written statements, notebooks, etc.

1. GENERAL INFORMATION

- Personnel investigations are different from criminal investigations. Normally, personnel investigations are considered an administrative investigation and the investigating officer will retain all notes, statements, tapes, etc. in his or her possession.
- An employee may receive both types of investigations, but the personnel investigation will follow a criminal investigation, if needed.
- Evidence from a criminal investigation will be packaged and maintained according to the procedures of this Manual.
- Items from a personnel investigation such as audio or videotapes, statements, and notebooks can be maintained in the evidence locker as requested by the investigating officer. In these cases, they will be treated like evidence.

- Items associated with, and information regarding, personnel investigations are strictly confidential. The Evidence Technician may only speak to the investigating officer or his designee regarding questions or issues with the case and the associated items.

2. PACKAGING

Items as part of a personnel investigation will be packaged according to the procedures of this Manual.

3. SUBMISSION

- Complete a property receipt.
- Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
- Place the evidence into the temporary lockers.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

4. STORAGE

This type of evidence can be maintained in general evidence storage. Measures should be taken to protect the parties involved.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- The investigating officer must always authorize the release or destruction of evidence in these cases.
- In cases where criminal charges are filed and a court-ordered disposition or District Attorney authorization is received, the investigating officer must still give authorization for the release or destruction of evidence.

6. EXCEPTIONS/SPECIAL PROCEDURES

7. OTHER REFERENCES OR INFORMATION

SECTION 22 – QUESTIONED DOCUMENTS

Examples:

- A document is defined as anything upon which a mark is made for the purpose of conveying a message.
- A questioned document is a document in which the writer is unknown such as a ransom note or forged check.
- A known writing or document is a document in which the writer is known, such as a handwriting exemplar or other writing.

1. GENERAL INFORMATION

If both latent print analysis and Questioned Document analysis is requested on an item, contact the OSP Crime Lab to determine which analysis should be performed first.

2. PACKAGING

- Questioned documents can be packaged together in an envelope or other container.
- Documents with known writing should be packaged separately from the questioned documents.
- In addition, if there is more than one suspect or source of known writings, they should be separated and packaged by individuals.

3. SUBMISSION

- Complete a property receipt.
- Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
- Place the evidence into the temporary lockers.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

4. STORAGE

Questioned document evidence can be maintained in general evidence storage.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- Documents that are ordered to be destroyed such as forged checks or other items containing personal information should be shredded or destroyed by incineration.
- Otherwise, follow Chapter 7, Section 6 – General Release and Disposal Guidelines in this Manual.

6. EXCEPTIONS/SPECIAL PROCEDURES

7. OTHER REFERENCES OR INFORMATION

SECTION 23 – SAFEKEEPING

Examples: Property seized for safekeeping, prisoner property

1. GENERAL INFORMATION

- Safekeeping means holding the property of others for a period of time or until they can appear to claim the property. Safekeeping is not evidence of a crime but merely safely warehousing property lawfully in the possession of others. For example, the Department may temporarily hold the

backpack of a person lodged in jail until that person can return for his or her property. Property held in safekeeping shall be given the same serious attention to tracking and bears the same responsibility for oversight as evidence.

- When accepting an item for Safekeeping, advise the owner that he or she will have 30 days to pick up the item from storage and notate the time limit on the property receipt. If he or she does not pick it up within 30 days, it will be destroyed or donated.

2. PACKAGING

- Safekeeping items should be packaged to prevent damage.
- Any wet items should be allowed to dry or packaged in paper.
- Other items can be packaged in plastic evidence bags.
- Backpacks or other large items do not need to be packaged and can be tagged with a property tag. Include the case number and date on the tag.
- Firearms held for safekeeping must be rendered safe/unloaded or they will not be accepted.
- Weapons or knives that have sharp edges or points or that could cause injury by accidental contact should be packaged securely in a cardboard box. The box should be clearly marked with the contents to protect other employees.

3. SUBMISSION

- Complete a property receipt.
- Unless specifically noted by the submitting officer, the Evidence Technician will begin the disposition/release process immediately upon receipt.
- Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
- Place the property into the temporary lockers.
- Prisoner backpacks will be wire tagged and the receipt marked with, "Will be destroyed in 30 days if not claimed." The backpacks will be placed in the bicycle impound area.

4. STORAGE

Safekeeping items can be maintained in general evidence storage or the safekeeping area. Due to the limited time these items are held, it is recommended that they are stored together in one location. Firearms, currency, and valuables should be stored with additional security such as a locking cabinet, safe, etc. if available.

5. DISPOSITION

- Unless specifically noted by the submitting officer, the disposition process can begin upon receipt. The owner will have 30 days after notification was given to make arrangements with the Evidence Technician to claim the property. Items not claimed within the 30 days are considered

abandoned and will be prepared for disposal. In rare cases arrangements can be made for the warehousing of property for longer durations at the ET's discretion.

6. RELEASE TO OWNER

- Safekeeping property will be returned only to the owner unless he or she has designated a third-party designee in writing or through communication by a lawyer.
- A copy of the owner's or designee's identification should be taken and filed with the property form when the property is picked up.
- All firearms will be released according to Chapter 8, Section 16 – Firearms.
- The owner or the designee will sign a release form.
- Property to be disposed from safekeeping need not follow the same procedures as evidence and can be disposed of by recycling, donating to a charity or depositing in the transfer station. Dangerous or concerning items may be incinerated.

7. EXCEPTIONS/SPECIAL PROCEDURES

8. OTHER REFERENCES OR INFORMATION

SECTION 24 – SHARPS

Examples: Syringes, razor blades, other sharp objects.

1. GENERAL INFORMATION

- The OSP Crime Lab will not accept syringes, razors, and other sharp items, "sharps", unless the District Attorney's Office specifically requests analysis.
- Syringes and sharps should not be accepted into evidence unless they are a tool used in the commission of the crime and are the only evidence to prove a crime was committed. Items not considered evidence are contraband and should be destroyed by the investigating officer in a sharps disposal container. Sharps containers that are full can be submitted to the evidence room for incineration.

2. PACKAGING

Syringes must be packaged in a syringe collection tube. If a tube is unavailable, package the syringe in a puncture-proof container. All containers containing syringes must be marked with a BIOHAZARD label or by pen indicating what the content is and that it is a BIOHAZARD. Seal the tube or container with evidence tape.

Razors with evidentiary value such as drug residue should be carefully placed into a paper fold and then packaged in a puncture-proof container. All containers containing razors must be marked with a BIOHAZARD label or by pen indicating what the content is and that it is a BIOHAZARD. Seal the container with evidence tape.

All other sharp items must be packaged in a puncture -proof container and marked with a BIOHAZARD label or by pen indicating what the content is and that it is a BIOHAZARD. Seal the container with evidence tape and mark it “sharp.”

3. SUBMISSION

- Complete a property receipt.
- Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
- All Sharps must be labeled with a BIOHAZARD sticker or marked to indicate it contains a BIOHAZARD.
- Place the evidence into the temporary lockers.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

4. STORAGE

Properly packaged, these items can be maintained in general evidence storage.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- All sharps must be destroyed by incineration.

6. EXCEPTIONS/SPECIAL PROCEDURES

7. OTHER REFERENCES OR INFORMATION

In the event that an employee is stuck by a needle, he or she should wash the affected area immediately and notify his or her supervisor. In addition, the City Safety Officer must be notified.

SECTION 25 – UNCLAIMED PROPERTY

Examples:

1. GENERAL INFORMATION

Unclaimed property means personal property that was seized by a law enforcement agency as evidence, abandoned property, found property, or stolen property, and that has remained in the physical possession of that law enforcement agency for a period of more than 60 days following conclusion of all criminal actions related to the seizure of the evidence, abandoned property, found property or stolen property, or conclusion of the investigation if no criminal action is filed. (ORS 98.245)

2. PACKAGING

All unclaimed property should already be packaged as it was originally received as found property, evidence, safekeeping, etc.

3. SUBMISSION

4. STORAGE

Once items become unclaimed property, they may be moved from active cases storage to a specified location (still secured) for unclaimed property and prepared for disposal.

5. DISPOSITION

Unclaimed property that has remained in the physical possession of the Department for a period of more than 60 days following conclusion of all criminal actions or investigations related to the property is subject to disposal using the following procedures:

- Disposing Unclaimed Property by Public Notice
 - The frequency of disposing unclaimed property by public notice will depend on the size of the locker and the volume of unclaimed property and will be determined by the ET and the Chief.
 - An inventory describing the unclaimed property shall be prepared by the property custodian.
 - The office shall publish a notice of intent to dispose of the unclaimed property described in the inventory.
 - The notice shall be posted in three public places in the jurisdiction of the The Dalles Police Department office and shall also be published in a newspaper of general circulation.
 - A copy of the notice shall also be sent to the last known address of any person that TDPD has reason to believe has an ownership or security interest in any of the unclaimed property described in the notice.
 - If the property remains unclaimed after 30 days from the published notice, it can be donated to a charitable organization such as Goodwill regardless of the value.
- Release to Owner
 - Prior to the expiration of the time period stated in a notice (30 days), a person may file a claim that presents proof satisfactory to TDPD that the person is the lawful owner or security interest holder of any property described in that notice. The Dalles Police Department shall then return the property to that person.
 - Follow the procedures in Chapter 7, Section 5.4 – Release to Owner.
 - Property with little to no value may be disposed of without notice after 60 days.

6. EXCEPTIONS/SPECIAL PROCEDURES

7. OTHER REFERENCES OR INFORMATION

SECTION 26 – VALUABLES

Examples: Jewelry, artwork, or collectible items such as stamps, coins, baseball cards, etc.

1. GENERAL INFORMATION

- Use general terms when describing valuables on the packaging or property receipt. For example, if an emerald ring is found or seized, mark the item as a ring, gold in color, with a green-colored stone.
- Some chemicals and analytical processes used in the OSP Crime Lab can destroy property. A note should be made on the property receipt not to use any chemicals or processes that can ruin the property unless the owner of the property understands that irreversible damage may occur to his or her property and still wishes to have the OSP Crime Lab process the items.

2. PACKAGING

- Items must be packaged to prevent damage.
- Valuables can be packaged in either paper or plastic bags.

3. SUBMISSION

- Complete a property receipt.
- Ensure that the packaging is adequate, marked correctly, and initialed across the seal.
- Place the evidence into the temporary lockers. If the items are too large, put them in a place designated by the Evidence Technician.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

4. STORAGE

Valuables should be stored within secondary security such as a safe or locking file cabinet within the evidence locker.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- Follow Chapter 7, Section 6 – General Release and Disposal Guidelines in this Manual.

6. EXCEPTIONS/SPECIAL PROCEDURES

7. OTHER REFERENCES OR INFORMATION

SECTION 27 – VEHICLES

Examples: Vehicles include automobiles, commercial vehicles, boats, ATVs, motorcycles, RVs, etc.

1. GENERAL INFORMATION

These procedures are for vehicles that are part of a criminal investigation.

- Vehicles that need to be processed for evidence should ideally be stored under cover and secured. Arrangements for processing the vehicle should be made as soon as possible.

2. PACKAGING

- The vehicle must be secured, and the ET notified.
- Items within the vehicle should be packaged according to type, inventoried on the tow form, and submitted into evidence. If a vehicle is to be processed for evidence, do not touch or handle any items or the vehicle itself until it has been processed. The submitting officer can note what items can be seen inside the vehicle.
- The tow form must include the VIN, make, model, and other descriptive information about the vehicle.
- Any damage to the vehicle, as well as the odometer reading, should be noted on the tow form.

3. SUBMISSION

- Upon seizure of a vehicle that is itself evidence, a property receipt shall be submitted to the ET for tracking.
- Ensure that any items submitted into evidence from the vehicle are packaged adequately, marked correctly, and initialed across the seal.
- Place the vehicle keys and any evidence into the temporary lockers. If the items are too large, put them in a place designated by the Evidence Technician.
- The Evidence Technician will process the evidence as outlined in Chapter 7 – Evidence and Property Processing.

4. STORAGE

Vehicles will be stored in the designated area. A wax marker can also be used for identification purposes.

Other evidence associated with the vehicles will be stored according to the procedures of this Manual. Any items containing serial numbers should be checked in LEADS/NCIC to see if they are stolen.

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- Items seized under a search warrant will only be released or destroyed by District Attorney authorization or court-ordered disposition.

6. VEHICLE RELEASE TO OWNER

- A copy of the owner's identification should be taken and retained in the case file.
- Run the vehicle through LEADS to confirm the registered or legal owner.

- The owner will sign the final release form.
- The ET can request a sworn officer to accompany during a vehicle release.

For other items associated with the vehicle, follow Chapter 7, Section 6 – General Release and Disposal Guidelines in this Manual.

7. EXCEPTIONS/SPECIAL PROCEDURES

8. OTHER REFERENCES OR INFORMATION

SECTION 28 – VIDEO FROM PATROL CARS

Examples: Video files created in patrol cars or body cameras for recording traffic and criminal contacts.

1. GENERAL INFORMATION

All files containing criminal-related recordings of evidentiary value will be uploaded to the video server and, if necessary, a DVD may be created or an individual link to data sent to the party requiring access.

2. PACKAGING

- Label DVDs or CDs with, at a minimum, the incident date, case number, and the officer's name. Other information as determined by the Evidence Technician or a supervisor may be added.
- Submit the jacket (case) with the DVD to protect it from dust and damage.
- One piece of red evidence tape across the envelope flap or across the edge of the plastic case is sufficient. DVDs do not require any additional packaging. The seal must be dated and initialed.

3. SUBMISSION

- Officers will mark any digital video files as evidence that:
 - Involve use of force resulting in serious injury or death.
 - Involve any criminal enforcement action and need to be maintained until adjudicated.
- DVDs Marked as Evidence
 - Complete a property receipt.
 - Ensure DVDs are marked correctly with the aforementioned labeling (e.g., packaging).
 - Place DVDs into temporary evidence lockers.
 - Evidence Technicians will process DVD evidence as outlined in Chapter 7 – Processing Property and Evidence.

4. STORAGE

Recordings containing incidents involving use of force resulting in serious injury or death must be retained at the station/worksite for at least three (3) years, or longer if legal proceedings are present. All recordings must be held until adjudication.

Certain incidents/cases may require permanent retention (i.e., criminal death investigations). DVDs used in these incidents/cases shall be marked for permanent retention as well as the accompanying report(s)/form(s).

5. DISPOSITION

Upon receipt of a court-ordered disposition or signature from the District Attorney or investigating officer authorizing release or destruction, the Evidence Technician shall dispose of the property using the following procedures:

- Follow procedures for disposal outlined in Chapter 7, Section 6 – General Release and Disposal Guidelines.

6. EXCEPTIONS/SPECIAL PROCEDURES

No DVD mediums with prior recordings will be reissued for operational use.

7. OTHER REFERENCES OR INFORMATION

CHAPTER 9 – EVIDENCE LOCKER AUDITS AND INVENTORIES

SECTION 1 – EVIDENCE LOCKER INVENTORY

An inventory is a critical internal control and shall be conducted annually or whenever a change in Evidence Technician, Chief, or Captain is made. An inventory conducted as a result of a personnel change may serve as the annual inventory for the station or worksite.

The purpose of an inventory is to confirm that all items of property/evidence are accounted for and ensure that the Evidence Technician is following proper procedures and policies. A complete inventory involves matching each piece of property or evidence with its corresponding documentation. Conducting annual inventories will identify property or evidence that is misplaced or missing from its assigned location, and it will identify items that are present in a particular location that should have been previously removed. It will help identify errors in evidence management and training deficiencies. Routine inventories will also limit the time frame for investigating missing items. Without a timely inventory, the time frame of an investigation and the total number of persons involved will expand significantly. Additionally, it is unfair to burden a new employee, supervisor, or manager with responsibility for items that may have been misplaced, lost, or stolen prior to his or her assignment.

Inventories are not intended to fix problems found in the locker, but identify them. Many of the discrepancies found in the lockers during an inventory or inspection take time and effort to resolve, and the auditing personnel typically do not have the time to assist in that manner during an inventory or inspection.

1. CHANGE IN PERSONNEL

An external team shall inventory all property at any time there is a permanent change in Evidence Technician, Captain or Police Chief. Any discrepancies shall be brought to the immediate attention of the Chief. The Chief will determine if further investigation is necessary.

In the event the Evidence Technician's position is suddenly vacant, all property and evidence shall immediately come under the care and custody of the Chief. When a new Evidence Technician is appointed, a full inventory will be conducted at that time to satisfy the required change in personnel inventory.

2. UNANNOUNCED INSPECTIONS

Evidence Technicians, evidence lockers and other storage locations, and property records are subject to unannounced inspections by the Chief or his designee.

3. ANNUAL EVIDENCE LOCKER INVENTORY

The annual evidence locker inventory process provides independent audits of evidence lockers throughout the state.

A full external team inventory consists of inventorying all property/evidence maintained in the evidence locker or other designated storage locations regardless of date of acquisition and shall occur at least one time per calendar year. A full external inventory conducted as a result of a change in personnel can serve as the annual inventory.

The Evidence Program Manager will choose an audit team leader to perform the audits. The audit team leader schedules the inventory and builds the audit team for each site based upon the size or complexity of the site.

Once an audit is completed, the audit team leader will prepare a report detailing the findings and requested corrective actions. The report will be submitted to the Evidence Technician and Chief within one month of the conclusion of the audit.

SECTION 2 – EXTERNAL AUDITING GUIDELINES AND GENERAL PROCEDURES

1. SCHEDULING

The Chief or Captain will work with the Evidence Technician to establish a schedule for the audit. The audit team leader should ask questions about the locker such as the size, how many items are in the locker, how the items are organized, where the property is being stored, and is it all on site or are there remote locations. Prior to the arrival of a new Chief, the audit team leader will review the inventory reports from the prior year to become familiar with the locker history and any previously identified evidence management issues.

2. INTRODUCTION MEETING

The audit team should meet with the Evidence Technician and his or her immediate supervisor to discuss the audit process. The team should explain its role in the audit, as well as the expected roles of the ET and the supervisor. Neither the Evidence Technician nor the evidence supervisor should participate in the audit process but should be available to the audit team at all times for questions and assistance.

3. GENERAL PROCEDURES

The following suggestions represent a typical inventory procedure. Each locker holds unique challenges based on size and setup. The audit team is not held to a strict schedule, but the following procedures are recommended for smooth completion.

- The audit team should discuss its strategy for completing the inventory of the locker. The most effective way to inventory property and perform the other audit team duties is to divide into groups of two. One person can check off the property found on the property report or in the records management system while the other physically handles the evidence.
- Computerized inventory reports will be used for auditing, inventory, inspections, and evidence maintenance. These reports provide a list of all evidence and property that should be found in the location listed.
- Once broken into teams of two, one person will mark the inventory list while one person physically inspects the evidence. A highlighter should be used to mark the inventory list as each individual item is found. The person physically inspecting items may encounter tape-sealed packages that are labeled to contain multiple items. It is not necessary for each package to be opened, but rather a comparison made between the items listed on the package label and the associated paperwork or computer record. If the package appears to have been opened or tampered with, further examination is in order. All convenience packaging must be opened and each exhibit visually confirmed. Simply marking the item as accounted for because of convenience packaging notations is not acceptable.

- In the event that a sealed package contains numerous items under one case number and it is not possible to reconcile each item without opening the package for inspection, the audit team leader should be consulted and make the ultimate decision on whether or not the seal will be broken. If the package is opened, it must be documented as a chain of custody event in the computerized records.
- Active records represent items that should be in the current inventory, while inactive or archived records represent items that should have previously been removed. Archive files will be examined by the audit team leader and any red flags or deviation from Policy shall be addressed with the Chief.
- All inventory reports shall be kept by the Evidence Technician as historical documents and will be maintained in the ET's office or evidence locker for ten (10) years.

4. DISCREPANCIES

If a discrepancy or problem is found by the audit team, the ET will be asked for his or her assistance to address the problem. If there is an issue that the ET cannot correct immediately, written documentation of each occurrence including the type of problem, case numbers, and location will be recorded either in a notebook or on a laptop. These discrepancies will be identified by the audit team leader in his or her audit report.

Every opportunity should be given to the Evidence Technician and his or her supervisor to fix any problems that can be corrected before the audit team leaves. These problems will still be noted in the audit report but will be listed as already corrected. It is important to keep the ET and his or her supervisor or Chief aware of any problems that arise as well as the team's progress.

Any items identified as missing should be brought to the attention of the Captain or Chief in writing as soon as is practical. Depending on the value (both evidentiary and monetary) and circumstances of the missing item, a determination by the Captain or Chief should be made whether or not to initiate an internal investigation. When the item has no significant monetary value and no evidentiary value, management should consider closing the record administratively to prevent the recurrence of the same item being identified as missing in a future inventory.

5. EXIT MEETING

After completing the inventory, the audit team should have another meeting with the Evidence Technician, his or her supervisor, and the Chief (if available) to discuss the findings. At this time the team leader will discuss any problems that were found and answer any questions that arise.

6. REPORTING

A memorandum reporting the findings of the inventory shall be completed by the audit team leader within one month of audit completion and forwarded to the Evidence Program Manager, Chief, Captain, and sergeants. The memo shall cover:

- Missing or damaged items
- Employee compliance with Departmental policies, directives, and procedural manuals
- Locker security compliance, including secondary security on firearms, narcotics, and cash
- Key control/assignments

- Overall locker cleanliness
- Evidence management issues

In addition, the memo shall confirm if the Evidence Technician is keeping up with purging and disposition duties as well as exercising his or her right of refusal by only accepting appropriate packaging. Any issues that cannot be immediately fixed by the Evidence Technician while the audit team is on site will be detailed, and it will be the responsibility of the Evidence Technician to work with the Chief to address each issue and develop a work plan if needed.

CHAPTER 10 – PERSONAL APPEARANCE, UNIFORMS, AND EQUIPMENT

SECTION 1 – UNIFORMS ISSUED

Members shall present a neat, clean appearance when representing the Police Department. Uniforms, when worn, shall include only those items issued by the Police Department or approved by the Chief of Police. Police command personnel will wear only those rank devices and insignia designated for the position they are currently assigned.

All uniformed personnel shall be issued and maintain the following equipment and uniform clothing items:

- Two long-sleeved shirts and two short-sleeved shirts of regulation design and color as designated by the Chief of Police and equipped with standard Police Department shoulder patches
 - Service stripes, as approved by the Chief of Police, may be worn on the sleeve of a long-sleeved uniform shirt. Each service stripe equates to five years of service.
 - Sergeant chevrons will be worn by Sergeants.
- Two navy blue neckties
- Two pairs of regulation duty trousers
- One coat with a removable liner which serves as jacket, winter coat, and raincoat. The coat will be equipped with Police Department shoulder patches.
- One pair of black, smooth toed lace up uniform boots
 - Members may, at their own expense, wear footwear other than that issued by the Department. If a member chooses to wear other than issued footwear the following regulations apply:
 - Footwear shall be boots or shoes, plain toe, and black in color.
 - No loafers or moccasin type shoes shall be worn.
 - If visible, dark blue or black socks shall be worn unless a doctor specifies in writing to the Chief's office that another color must be worn.
 - Shoe laces, if required, shall be black in color.
- Headgear described as follows:
 - Standard issue uniform cap. The wearing of the uniform cap is optional with the individual member, unless otherwise directed by a superior officer, or when a dress uniform is required.
 - A ball cap style hat with a logo approved by the Chief of Police
 - A stocking cap with police marking for winter use

- Full complement of issued uniform leather. All leather items will be “basket weave” style and will not have visible snaps. Issued leather will include:
 - Utility belt
 - Holster (to be worn on the strong side)
 - Double magazine pouch
 - Handcuff case, to be worn accessible by the support hand
 - Armament Systems and Procedures (ASP) baton case
 - Cap-stun holder
 - Key holder (optional)
 - Belt keepers (4)
 - Taser holster (to be worn on the support hand side)
- Officers wishing to carry other items on the duty belt may do so at their own expense subject to the following provisions:
 - Any item other than standard issued leather gear must be approved by the Chief of Police.
 - All requests to carry additional leather equipment will be submitted to the Chief of Police in writing. Such requests will include a description of the item and its proposed utility to the accomplishment of the officer’s primary duties.
- Load-bearing/exterior ballistic vests may be worn at the discretion of the Chief of Police.
 - The load-bearing vest may provide provisions to carry magazines, handcuffs, cap stun, radio and other items.

All reserve officers shall be issued and maintain the following uniform clothing items:

- One long-sleeved and one short-sleeved shirt of regulation design and color as designated by the Chief of Police and equipped with standard Police Department shoulder patches
- One navy blue necktie
- One pair regulation duty trousers
- Headgear described as follows:
 - Standard uniform cap. The wearing of the uniform cap is optional with the individual member, unless otherwise directed by a superior member, or when a dress uniform is required.
 - A ball cap style hat with a logo approved by the Chief of Police

- One coat with a removable liner which serves as jacket, winter coat, and raincoat. The coat will be equipped with Police Department shoulder patches on both shoulders.
- Footwear shall be as follows:
 - Boots or shoes, plain toe, and black in color
 - No loafers or moccasin type shoes
 - If visible, dark blue or black socks shall be worn unless a doctor specifies, in writing, to the Chief's office that another color must be worn.
 - Shoe laces, if required, shall be black in color.
 - Foot wear shall not be provided by the Police Department.
- Full complement of standard uniform leather as approved by the Chief of Police

SECTION 2 – UNIFORM REGULATIONS

Uniformed members' apparel shall be neat, clean, pressed, and in good repair. Uniform shirts shall have a standard military press.

Uniformed members shall wear garments with pockets and sleeves completely buttoned. The only exceptions are the top button of the short-sleeved shirt and the top button of the long-sleeved shirt.

All footwear shall be kept in good condition and repair and shall be polished.

All uniforms and equipment furnished by the Department shall be returned to the Department upon separation from the Department.

Jewelry, other than a watch or rings, will not be worn unless approved by the Chief of Police. Visible body piercings will not be allowed when in uniform or when on duty in plain clothes.

1. INSIGNIA AND RANK DEVICES

Uniformed officers shall wear only those devices which are designated for their position or functional assignment. Such devices shall consist of badges, collar devices, shoulder patches, and hat designators. All such devices will be part of the issued equipment.

The badge shall be worn on the left side of the outermost uniform garment, in the badge hanger. Badge rank designation shall be as follows:

- Patrol officer
- Sergeant
- Captain
- Chief of Police

Members are not authorized to purchase wallet badges or replicas of the Department-issued badge without the express written permission of the Chief of Police. Should authorization be given, any member whose

employment with the Department is subsequently terminated shall surrender any such badge to the Chief of Police, even if the badge was purchased with the member's own funds.

Standard Department shoulder patches shall be worn on all uniform shirts, jackets, and coats on both shoulders, centered horizontally on the epaulet (or shoulder seam if no epaulet) one-half inch below the arm hole seam. Both shoulder patches shall be of the same design.

In addition to the badge, members shall wear their rank designators in the following manner:

- Patrol officers shall wear rank devices on the shirt collar in a military fashion.
- Sergeants and above shall wear their rank devices on the shirt collar in a military fashion. Rank stripes shall be worn on the coat and will be centered on the epaulet or shoulder seam approximately 3/4 inch up from the armhole seam.

Rank devices shall be metal, and are established as follows:

- Patrol officer - Silver "DPD" with regular uniform shirt
No collar devices required with load-bearing vest
- Sergeant - Silver Sergeant Chevrons
- Captain - Gold Captain's Bars
- Chief of Police - Two Gold Stars

2. MISCELLANEOUS UNIFORM ITEMS

Nameplates will be issued and shall be worn above the right breast pocket flap of the uniform shirt, horizontally centered on the top. Each officer shall be issued two nameplates. Load-bearing vests may be worn with the nameplate, or the officer's name may be embroidered on the load-bearing vest, at the discretion of the Chief of Police.

No visible collar stays are approved. Necktie fasteners are optional.

Department award ribbons, if worn, shall be worn horizontally centered at the top of the right breast pocket flap. Additional ribbons shall be worn in tandem.

Other patches or badges may be worn at the discretion of the Chief of Police.

The "serving since" pin may be worn with the nameplate.

SECTION 3 – BODY ARMOR

1. FLEXIBLE BODY ARMOR

Body armor is defined as a protective garment made of Kevlar or other approved material, normally worn under the shirt.

Body armor purchases for Department use will meet National Institute of Justice standard, threat level IIA or greater.

Body armor is considered a part of the uniform and, except as noted below, will be worn at all times by uniformed Department patrol officers.

The wearing of body armor by plain clothes personnel is required when serving search warrants and when contact is expected outside the Police Department with a wanted subject, criminal suspect, or someone who may be armed. Outside the above circumstances body armor for plain clothes members is recommended, but not required.

Uniformed officers using external or load-bearing vests may temporarily remove the vest while in the report writing room within the secure area of the Police Department, for their comfort, providing no criminal suspects are inside the secure area of the Police Department at the time. A member may be excused from wearing body armor with a written order from a physician.

The wearing of metal armor plates (shock plates) in conjunction with the issue vest is optional.

Department members who are issued body armor are responsible for care and upkeep. The issued vests have a removable cloth cover that is washable. The ballistic Kevlar panels cannot be washed or dry cleaned. Officers will be held responsible for damage to issued body armor caused by improper cleaning or improper care.

A Department-issued external load bearing vest (LBV) may be worn with the uniform of the day. The uniform and equipment specifications list the authorized equipment that may be carried on the external vest. The external vest is considered to be a part of a regulation uniform. As such, it will not be worn when situations require dress uniform attire.

Pockets for authorized equipment will be placed in the lower front of the external vest and to either side of the centerline. A backup weapon is authorized in a concealed location and out of sight. Equipment authorized to be carried on the external vest is limited to:

- Handcuffs
- Small flashlight
- Oleoresin Capsicum (OC) spray
- Portable radio
- Spare magazines
- First aid items such as Narcan and tourniquet
- Small items such as a digital recorder and business cards
- An Intoxilyzer operator card may be carried in the breast pocket, provided the pocket is not overloaded to the point as to no longer present a professional appearance.

At minimum, the Department-issued sidearm will be carried on the duty belt, which shall be worn at all times with all uniforms. Other items, such as cell phones, knives, etc., are authorized to be carried as long as they are placed inside pockets or accessory pouches and are out of sight.

2. HANDCUFFS AND RESTRAINTS

All officers and reserve officers shall carry at least one pair of Department-approved handcuffs.

- Handcuffs shall be kept in good working order.
- Only secondary restraint devices approved by the Chief of Police shall be used by Department members.

SECTION 4 – WEARING OF THE UNIFORM

Members assigned to those functions normally requiring the wearing of a uniform shall wear them as described in this procedure.

1. PATROL UNIFORM

The regulation uniform is the uniform designated for, and will be worn during, day-to-day patrol assignments unless an alternative uniform is authorized by a member of superior rank. The regulation uniform consists of the following:

- Uniform trousers
- Long or short-sleeved shirt to include traditional or hybrid uniform
 - Hybrid uniform means a shirt specifically designed to be worn beneath an exterior vest carrier.
- Body armor which consists of either concealed soft body armor or external body armor purchased by The Dalles Police Department
 - Department-issued firearms will not be attached to external body armor.
 - Nothing will hang from any part of the external body armor.
 - Authorized backup firearms, tourniquets, Narcan, firearm magazines, portable radio, and anything else used in the course of duty may be kept in pockets of the external body armor.
- Uniform boots
- Full leather
- Uniform hat or baseball cap, optional
- Uniform coat as needed
- Badges and rank devices

Note: Black or dark blue undershirts will be worn under the short or long-sleeved uniform shirt. Long-sleeved uniforms may be worn with a Department-issued clip-on necktie.

2. DRESS UNIFORM

Some officers may be issued a dress uniform at the discretion of the Chief of Police. The dress uniform will be worn on those occasions when a formal appearance is required. Officers will wear the dress uniform to

funerals and other Department functions that require formal attire. Upon approval by the Chief of Police or Captain, the dress uniform may be worn during non-police functions such as military or family funerals.

3. BICYCLE PATROL UNIFORM

Officers working bicycle patrol are authorized the following uniform:

- Uniform shorts or Battle Dress Uniform (BDU) pants
- Long or short-sleeved uniform shirt
- Appropriate shoes as provided by the member
- Protective helmet
- Gloves (if appropriate or desired)

4. NON-UNIFORM ATTIRE

Clerical members shall wear the uniform determined by the Chief of Police.

Members authorized to wear civilian attire are permitted to wear neat appearing casual clothing. Shoes and belts will be well cared for and in good repair. Open toed shoes are not permissible.

- Clothing is to be clean, in good repair, neatly pressed, and will be of a size and fit to give a businesslike, professional appearance.
- Clothing may be worn which is within the limitations of current styles. Moderation, not the extreme, is expected of all members.
- Emphasis is placed on coordinating attire and footwear, to give the best possible tasteful appearance, as well as providing maximum safety and freedom of movement in emergency situations.

Shirts with open collars may be worn. The following will be adhered to:

- Open collar sports shirts, with a square-cut bottom, are authorized. Shirts are to be tasteful and neat in appearance and may be worn untucked.
- Flamboyant, multi-colored, floral prints, t-shirts, and see through net shirts are not authorized.
- Female members authorized to wear civilian attire may wear suits, slacks, pantsuits, skirts and dresses with appropriate blouses, shirts, jackets or coats.
- Moderation should be practiced in the choice of skirt and dress lengths, taking into consideration the need for freedom of movement in emergency situations and tasteful appearance.
- Officers working in a narcotics or undercover capacity may wear attire appropriate for cases they are currently working.

5. COURT OR OFFICIAL PROCEEDINGS ATTIRE

When appearing in court, which includes Municipal, Circuit, Federal, or out of state court, every member shall wear his or her full duty uniform or suit and tie. All tattoos will be covered by shirt sleeves when appearing before a judge and/or a jury.

Exceptions for this dress code are for grand jury and Department of Motor Vehicles (DMV) hearings. For these hearings, members may wear their training/utility uniform which is described as a black polo shirt with Department logo and BDU utility pants.

Officers involved in narcotics cases will wear the attire requested by the Prosecuting Attorney while appearing in court proceedings.

6. SPECIAL EMERGENCY RESPONSE TEAM (SERT) UNIFORM

SERT members are authorized, during callouts or training, to wear camouflage or subdued color clothing. In stakeout situations, SERT members are authorized to wear civilian clothing.

SECTION 5 – PERSONAL APPEARANCE

Members shall present a neat and clean appearance.

Members wearing civilian dress on duty shall be attired in a manner appropriate to their assignment and their public service responsibilities. Members will present a professional appearance at all times, and will wear formal business attire when appropriate.

Members in uniform shall comply with all Department regulations as established by Department directives.

1. TATTOOS

No tattoos will be displayed on the neck, face, or hands.

The exception is cosmetic tattoos such as female eyeliner, eyebrows, and appropriate lip liner, along with wedding bands for both males and females.

When in a standard short-sleeved uniform (including bike shorts), no racist, sexual, discriminatory, gang, or offensive tattoos shall be visible. Offensive shall be defined as scenes of sex, death, violence, racism, or vulgarity.

When a member is appearing in court before a judge and/or a jury, all tattoos will be concealed. Members appearing in uniform will accomplish this with the appropriate uniform shirt. All members in a position where court appearances in civilian formal business attire is allowed will accomplish this with a dress shirt.

2. GROOMING – MALE OFFICERS

Hair will be kept trimmed to a length where it looks neat when wearing the cap. No unruly or unkempt hair will be allowed. Dyed, tinted, or bleached hair must be within a naturally occurring color range and be professional in appearance. For the purposes of this policy, “naturally occurring color range” does not include unique colors such as pink, blue, purple, etc.

Sideburns will be permitted if kept trimmed to the lobe of the ear. A mustache will be permitted if kept in a neat and trimmed condition. It will not extend beyond the edge of the mouth and will not curl up or develop a twist on the ends.

Beards, whether full or goatees, are authorized; however, they must be worn with a mustache. Beards shall be kept clean, neatly trimmed, and present a conservative, professional appearance. Facial hair of any kind that presents any sort of faddish appearance including, but not limited to, mutton chops, is prohibited. No portion of the beard may be exceptionally longer than the rest and beard hair length will not exceed 1/2 inch. The neck must remain clean shaven. Patches or clumps of hair are not permitted. Soul patches are also forbidden.

Beard appearance is at the discretion of the Chief of Police.

Nothing in this policy prohibits hair styles that are permitted by HB2935 (2021).

3. GROOMING – FEMALE OFFICERS

No unruly or unkempt hair will be allowed and must look neat when wearing the cap. Dyed, tinted, or bleached hair must be within a naturally occurring color range and be professional in appearance. For the purposes of this policy, “naturally occurring color range” does not include unique colors such as pink, blue, purple, etc.

Female officers may wear conservative ear jewelry, one to each ear, as long as the jewelry does not extend below the ear lobe.

Nothing in this policy prohibits hair styles that are permitted by HB2935 (2021).

SECTION 6 – SALUTING AND MOURNING BANDS

1. SALUTING

Officers will stand at attention and render the military salute under the following conditions:

- The officer will salute the American flag when it is being borne past them. The salute will be rendered when the flag approaches within seven paces, which is approximately 21 feet, and will be held until the flag is seven paces past the officer.
- When the flag is raised to staff, the salute will be held until the flag reaches the top of the staff.

2. MOURNING BANDS

The preferred mourning band is a solid black band that will fit tightly around the badge. The mourning band should be worn from the top left to the bottom right as shown in the example.

- Example:



The width of the black band should not exceed ½ inch.

Black mourning bands shall be worn on a law enforcement badge only in the following circumstances:

- Upon the line-of-duty death of an active law enforcement officer (LEO). The duration for wearing the mourning band will be set by the Chief of Police, generally two weeks from the date of death.
- By all law enforcement officers in uniform or in civilian clothing while displaying a badge when attending the funeral of an active LEO.
- Upon the line-of-duty death of a LEO from a neighboring jurisdiction. The mourning band will be worn from the date of death and removed at the conclusion of the day of burial.

CHAPTER 11 – PATROL

SECTION 1 – DUTIES AND RESPONSIBILITIES

Patrol officers will be assigned a patrol area at the beginning of each shift.

1. PATROL DISTRICTS

The basic area of responsibility for uniform patrol officers will be designated patrol districts. The district manning levels are flexible by time of day and day of week.

In the event that the officer assigned to a particular district is busy on another call, an officer assigned to an adjacent district will be assigned additional calls that come in to the first officer's district.

Districts will be assigned by the Shift Sergeant and are not a matter of seniority.

It is the expectation that if two officers assigned to patrol are on duty, one will be assigned Area 20 and one will be assigned Area 30. If there is a third patrol officer, that officer would be expected to be in Area 10. During overlap of swing and graveyard, there would typically be two in Area 20 and two in Area 30.

In the event one patrol officer and one Sergeant are on duty, the patrol officer would typically be assigned Area 20 or Area 30. The Sergeant may be in Area 40, but would typically cover the unoccupied patrol area.

Designated patrol districts are:

- Patrol Area 10 – Core area
 - Patrol Area 10 is bordered on the north by the Columbia River and on the south by 7th Street. It is bordered on the west by Webber Street and on the east by the Boat Basin/Freeway Interchange.
- Patrol Area 20 – East
 - Patrol Area 20 is the area east of Union inside the city limits that is not in Area 10.
- Patrol Area 30 – West
 - Patrol Area 30 is the area west of Union inside the city limits that is not in Area 10.
- Patrol Area 40 – Supervisor
 - Area assignment 40 will encompass all districts and will normally be patrolled by the shift supervisor when staffing permits.
- Patrol Area 50 – Special Assignment
 - Assigned by a supervisor, this area encompasses the entire city and is normally used for special assignments.
- Patrol Area 60 – Traffic Enforcement Officer
 - This encompasses the entire city and is only used by the Traffic Enforcement Officer position.

- Supervisors may direct traffic enforcement to respond to complaints or high crash areas, school zones or known problem areas.

The officer is responsible for the activities in his or her assigned area during his or her shift. These activities include but are not limited to:

- All calls for service
- Criminal and non-criminal peace keeping and order maintenance
- Traffic enforcement and control
- Traffic accident investigation
- Preliminary investigation of all calls and on-scene incidents
- Completing and filing all appropriate Department reports
- Arrest and proper disposition of all criminal behavior as well as detecting and disposition of physical evidence of cases coming to the officer's attention
- Conduct preventive and proactive patrol when time permits
- Conduct business, bar checks, and building security checks as time permits
- Conduct other types of patrol as directed by patrol supervisors

If the officer assigned to a patrol area is on another call or otherwise busy, a patrol officer from an adjacent area may be assigned the call.

2. OUTSIDE CITY LIMITS POLICE RESPONSE

Patrol personnel may, at the shift supervisor's option, or when the call has the potential for injury to officers or citizens, respond to areas outside the city limits only at the request of another agency.

Patrol personnel will limit this response area to The Dalles Dam on the east and Chenoweth Creek on the west. Response outside of these areas must be approved by command personnel, except in a situation where an officer is in peril.

In very rare cases where assistance is needed on the Washington side of the river, the Inter-governmental Mutual Aid Agreement must be requested by the Washington agency. No response into Washington is authorized without the Captain or Chief's permission.

Members will respond to outside agency requests only when, and to the extent, officers are available.

When responding to outside requests, a supervisor will be notified if two officers will not be remaining inside the City.

In all cases where another officer's life may be in peril and when TDPD officers are the closest available, officers may respond beyond the City limits. Due to the emergency nature of such a situation the officer will proceed to assist the officer in need prior to obtaining supervisor permission, but as soon as possible a supervisor shall be notified.

3. PATROL DEPLOYMENT

The patrol activities described shall be performed by one-person patrols in marked or unmarked Department patrol vehicles unless otherwise authorized by the shift supervisor.

In order to provide timely response for police service, adjoining area units will use discretion when going on breaks at the same time. It is the responsibility of the area officer to make sure his or her area is covered during breaks. This means breaks and meals may be cut short.

4. PATROL STATUS

The area patrol officer shall keep Central Dispatch aware of the officer's status via MDT or radio at all times while on duty and is to remain in the officer's assigned patrol area during his or her shift unless dispatched to calls outside of the assigned area or with the authorization of the patrol supervisor.

Mobile Data Terminals, in-car camera systems, body-worn cameras, and Department cell phone GPS locating systems will not be disabled without prior authorization from a supervisor.

There is no need for supervisor approval if a cover officer is requested by the primary dispatched unit. Central Dispatch will be notified if an officer will be covering another unit.

The rank of Chief and Captain are not required to notify Central Dispatch of their status while on duty.

5. EVIDENCE HANDLING GENERALLY

Proper evidence identification, handling, packaging, storage, and document keeping is critical to effective law enforcement. Refer to Chapter 7 – Evidence and Property Processing and Chapter 8 – Evidence: Specific Handling Instructions. All evidence collected in the field by The Dalles Police member shall be logged into agency storage and records as soon as is practical. In every case, evidence shall be placed into the control of the Department Evidence Control System and Evidence Technician prior to going off shift. Securing evidence in a locker (other than evidence control) or trunk will not suffice to meet this requirement. A written report will be produced that describes in detail how the evidence came into the Department's possession, and the report will specifically describe each item of evidence obtained and logged into the property locker. Property taken from citizens as evidence, or returned to a citizen from the Department, will result in a receipt being issued to that citizen. Timely effort will be made to locate and notify citizens when property being held by The Dalles Police Department is ready to be returned.

6. SUPERVISION

Command officers consist of the Chief, the Captain, and Patrol Sergeants. Patrol Sergeants shall ensure compliance of the area patrol officer's responsibilities and duties.

SECTION 2 – SHIFT SERGEANT RESPONSIBILITIES

1. ADMINISTRATIVE RESPONSIBILITIES

- Assist in the development, and direct activities that assure the accomplishment, of the Department's goals and objectives
- Establish shift goals and objectives and the direction of activities toward the accomplishment of goals and objectives

- Schedule personnel to ensure adequate staffing levels
- Identification and analysis of public safety problems and trends on the shift
- Awareness of community issues and problems which impact the delivery of police services
- Evaluation of personnel performance, employee discipline, and other labor relation matters
- Inspection of operational activities in order to determine compliance and effectiveness of procedural modifications when required
- Inspection of shift members, assuring compliance with Department dress codes and equipment regulations
- Evaluation of shift member's performance
- Review reports prepared by shift members
- Provide training for, and oversee the training of, all members of the shift
- Conduct pre-shift briefings which could include training materials and/or current problem trends or issues within the City

2. OPERATIONAL RESPONSIBILITIES

- Direction of shift activities, including patrol functions, investigations, crime prevention, community relations, and special projects
- Design and implementation of enforcement and prevention programs
- Reassignment of personnel from one area to another or to special duties as required: i.e., investigations, special enforcements, etc.
- Control of personnel on overtime or adjust shift coverage to provide minimum staffing
- Approval of overtime necessary for a member to complete an assignment
- Investigate citizen complaints against officers
- Supervise and coordinate major incidents
- Keep the Chief of Police and Captain informed of major incidents, problems, anticipated problems, and events of interest as they arise during the shift
- Ensure personnel adhere to all policies and procedures
- Cover and/or take all calls as necessary, according to workload demands
- Immediate command of field operation during incidents which require command coordination
- Verbally recognize officers on shift for performance that goes above the call of duty (Each Sergeant may also issue a positive or negative performance log entry.)

- Provide timely feedback concerning field operations through daily written reports, oral reports, and participation in staff discussions when appropriate
- Conduct yearly evaluation of their assigned team members. Each Sergeant is assigned a team of Officers by the Chief of Police. The Sergeant's team is dictated by the Sergeant's timesheet team assignment.

3. OTHER DUTIES

Shift Sergeants may, from time to time, be required to accomplish other tasks not expressly stated above at the discretion of the Chief of Police or Captain.

SECTION 3 – MOBILE DATA TERMINAL (MDT) USE POLICY

The purpose of this Policy is to establish guidelines and procedures for the use of Mobile Data Terminals (MDT) as a means of communicating, dispatching, and maintaining the status of public safety responders. The purpose of Mobile Data Terminals is for the dispatching of calls for service, sending electronic messages, non-voice communications between Dispatch and patrol units, and non-voice communications between patrol units.

1. OFFICER SAFETY

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow officers know the status of patrol units, their locations, the nature of incidents, and developments in their investigations.

No portion of this Policy prohibits or limits a patrol unit from making safety conscious decisions. If there is a compromise of safety in a particular situation related to the use of the MDT, the expectation of the officer is to use radio communications. If, for any reason, an officer must have his or her MDT off, the officer must notify Dispatch and his/her immediate supervisor prior to turning it off. It is recommended that officers use great caution when driving and using the MDT at the same time. Safety should always be exercised in using the MDT system. If the officer deems it necessary to use the radio for safety purposes, he or she is encouraged to do so.

The patrol officer will keep Dispatch updated on his or her location any time the officer is out of the patrol car by posting an appropriate status change.

2. MDT USE GUIDELINES

Mobile Data Terminal (MDT) communications are for official business only and are public record subject to periodic review. **There is no expectation of privacy in their use.** All communications via the MDT will be work-related and conducted in a professional manner. Messages sent and/or received are the property of The Dalles Police Department.

The officer shall employ the use of the MDT as the primary use of CAD communications while on duty.

Initiation of traffic stops and field stops conducted by patrol units will be by voice communications. Officers shall have the option to advise Dispatch if they will be conducting field contact(s) using the MDT. Officers will clear the contact through the MDT. This will inform Dispatch and other patrol units of their status change.

Confirmation of all warrants must be through Dispatch by using either the Mobile Data Terminal Administrative Message (MDT AM) message system or via voice communication.

Criminal history data received and sent via MDT is subject to all security restrictions that apply to LEDS terminals. Department of Motor Vehicles (DMV) and warrant checks will be conducted within the guidelines of LEDS/NCIC and DMV restrictions. Accessing LEDS/NCIC or DMV data for personal use is strictly forbidden. LEDS-certified officers using MDTs are responsible for making sure that unauthorized personnel do not view the MDT screen. LEDS, DMV, and NCIC generated returns will not be pasted into the narrative of the CAD incident screen.

The Global Positioning System (GPS) shall never be turned off or deactivated unless authorized by the officer's immediate supervisor. Patrol units shall log onto the MDT at the start of the shift as part of the initial set-up of the vehicle in preparation for patrol. Units shall not log off of the MDT until the end of each assigned shift. (Exception: A patrol unit may sign off of the MDT if there becomes a connection issue with the individual terminal. Central Dispatch shall be advised of the MDT's failure to connect. The officer shall fill out an equipment repair form and move to another patrol vehicle with an operational MDT if one is available.)

Officers shall notify Dispatch of any riders/reserves who are in the officer's patrol vehicle. These riders shall be listed on the MDT as a unit and their designation shall be "Citz" for citizen Ride-Along, or the reserve's radio number. In the comments field it shall list the officer with whom they are riding. An example is: Unit "Citz" (Citizen) Patrol Area "20" "Comments" with 432.

Upon completion of a call, prior to closing the incident the officer will enter a disposition, bearing in mind members of the press and public have access to police logs. Confidential information, such as details of child sexual abuse, will not be listed in the disposition. The disposition will include in plain language a summary of what occurred and what police action was taken.

3. STATUS CODES

Officers will use the following status codes for the listed purpose:

- **5** – indicates the officer is at the police station
- **A** – indicates the officer has Arrived at the assigned call
- **B** – Busy
- **E** – En-route
- **D** – Dispatched. An officer's status will change to D when assigned to a call. The officer will acknowledge receipt of the dispatch by changing status to En-route.
- **L** – Lunch: used while an officer is on lunch or coffee break (subject to radio call for emergencies)
- **AR** – Available by Radio, to be used when the officer is out of the car but not on follow up or on a call (used when purchasing a beverage at a store, for example)
- **AV** – Indicates the officer is in the patrol car and Available for calls
- **CT** – Court: used when an officer is in trial and not available for calls

- **ED** – En-route Destination
- **LO** – Location Change: used to notify Dispatch of updated officer location while the officer is assigned to an incident
- **NC** – NORCOR (Northern Oregon Corrections)
- **OS** – Out of Service: used to notify Dispatch that an officer is going off duty. Ending miles will also be indicated prior to logging off.
- **TN** – Training. Used to indicate an officer is busy with training (May also be used by an FTO)
- **TR** – Transporting: may be used when an officer is taking a prisoner to NORCOR

SECTION 4 – THE ARREST CITATION

Citations to Appear will not be issued in lieu of arrest in domestic violence-related incidents.

An officer may cite and release an arrested person if the arrest is not made pursuant to a warrant. In making the decision to cite and release or arrest the arrested person, the officer may be guided by ORS 133.055 and the following factors:

- The person already has fingerprints on file from prior arrest(s).
- It appears likely that the person will appear in court.
- The person resides or is steadily employed within the State of Oregon.
- The person's degree of sobriety and general condition is such that the person will be able to adequately care for himself or herself.
- It will not be necessary for the person to be immediately available for further investigation of the offense.
- There is little likelihood of the person being re-involved in the offense for which the person is being cited.
- There is no reason to believe he or she is wanted for another offense.

The arrested person shall be advised of his or her rights as specified in the Miranda decision whenever the person is to be interviewed or interrogated.

SERVICE OF THE CITATION

When all of the requirements for the completion and issuance of the citation have been met, the officer shall serve the defendant with the goldenrod copy of the citation form.

The officer shall explain the information contained on the citation, paying particular attention to the date, time, and location that the defendant is to appear in court.

The officer will place the remaining portions of the criminal citation with the arrest report.

SECTION 5 – PERSON IN CUSTODY

Transporting officers shall be responsible for the welfare and safe, secure transportation of a person in custody. Officers should make every effort to confirm the identity of the arrested person prior to transportation in order to more fully understand the risks that may be associated with the individual. Persons who are not identified and who are being transported for fingerprint identification may pose an elevated risk. If for any reason an officer is transporting an individual from the jail to another location, the officer must ensure that the person is identified prior to transportation.

Patrol vehicles should be searched before and immediately after transporting a prisoner.

Transporting officers shall not conduct any type of emergency response driving while transporting a person in custody. The exception to this is if an officer notes a medical emergency occurring to the person in custody and the emergency response driving is to deliver the person to medical aid.

In the event of a person in custody being injured prior to or during an arrest, the transporting officer shall ensure that the person receives adequate medical attention prior to booking, transporting to hospital, etc.

Whenever a person in custody is being transported, it must be remembered that this offers the person his or her greatest opportunity to escape. The transporting officer must be constantly alert for an attempt to escape and prevent that opportunity.

When a member is transporting a person of the opposite sex or a juvenile, the member shall notify Dispatch of the beginning and ending mileage at the time of departure and the time of arrival of the transport, along with the start and arrival locations.

A person in custody shall be secured in the backseat of patrol vehicles with the cage window secured.

When transporting, no other person shall be allowed to accompany the person in custody.

Harsh, assaultive, or rough treatment of a person in custody is prohibited.

A person in custody who is being transported as a suspect of an offense or mental hold will be handcuffed while being transported. The person in custody shall be handcuffed with the hands behind the back during transport to ensure the safety of the transporting officer. Exceptions to the above procedure can be made due to a medical condition that might make handcuffs behind the back painful.

Any person in custody that is being transported will be secured with a seatbelt unless a credible officer safety condition exists, or there is an extenuating circumstance that makes use of the seatbelt unreasonable or unsafe for the person being transported.

Officers who make a custody arrest of a suspected foreign national shall advise the person of his or her right under the Geneva Convention of 1963 to have his or her consulate notified of his or her arrest.

Officers will collaborate with Dispatch and jail staff to ensure the required notification is completed when requested.

SECURITY MEASURES

Every person in custody shall be searched for weapons. This search shall be conducted prior to transporting the person from the point of arrest to the holding facility and shall include, but not be limited to, a pat down of all outside body surfaces, shoe tops, etc., and any other areas where a weapon or means of escape

could be concealed. (If available, an officer of the same gender as the person in custody should conduct the search.) It is strongly recommended that all subjects in custody be handcuffed with their hands behind their backs prior to searching. Any arrested person who represents an elevated or unusual security risk shall cause the officer to announce to Dispatch and/or jail the circumstances surrounding the person in custody, and the officer may request a second police unit follow him or her to the jail facility.

The officer shall seize all weapons or questionable articles which could be used as a weapon or an instrument of escape. Any weapon found could be the basis for additional charges. Any article taken from the person and not used as evidence shall be turned over to corrections officers to be placed in the person's property box.

Handcuffs should be tight enough to prevent the hands from slipping through but not so tight as to interfere with circulation. Double lock handcuffs when in use to prevent overtightening.

If it becomes necessary to handcuff two subjects together, cuff the left hand to the left hand, and/or right hand to right hand.

A person in custody shall not be permitted to stop in-route to the holding facility to visit or make purchases and shall never be permitted matches or lighters. Smoking during transport shall be prohibited.

Handcuffing children under the age of ten years old shall be prohibited unless required to restrain them from injuring themselves or others.

In the event of a prisoner escape from custody, the officer shall immediately notify Dispatch and a supervisor. All reasonable steps should be taken to recover the person into custody. The supervisor shall determine if the escapee poses a significant threat. The supervisor shall also determine the governmental interest in either immediately recovering the person or initiating an investigation later.

SECTION 6 – DETENTIONS/IDENTIFICATIONS, ORS 131.615

It is the Policy of The Dalles Police Department for members to act upon witness and victim information, which provides a reasonable belief that a crime has been committed. As part of the investigation, members shall strive to identify suspects in an objective, non-suggestive manner. It is vital that victims or witnesses be provided the opportunity to independently and objectively identify an alleged suspect as either the correct or incorrect person.

If the member has reasonable suspicion, the member can stop and detain a person(s) who matches the suspect description if that person is presently in close proximity of the crime and within a close timeframe (within three hours). The detained person may only be moved a short distance from the general vicinity of the stop (i.e., inside a building to a position of viewing from the street). The detention shall only last for the reasonable amount of time necessary to complete the investigation and the Show-up. Normally, the victim or witness will be transported to the scene of the stop to attempt identification of the potential suspect. If safe to do so, the suspect should not be visibly handcuffed, surrounded by police officers, sitting in the patrol car or conspicuously displayed as a detained person. Refer to Chapter 30 – Eyewitness Procedure of this Policy for the Show-up procedure.

If a member has probable cause, the member may arrest the person who matches the suspect description and can move the person as necessary.

SECTION 7 – ARREST BY PRIVATE PERSON OR SECURITY OFFICER

This policy is intended to establish a process for the Department to assist persons who make valid citizen arrests. Officers shall affect arrests themselves whenever appropriate, and shall not shift this responsibility to private persons unless the law so requires. Refer to ORS 133.225.

PROCEDURE

Investigate to determine whether or not there is probable cause for the arrest. Do not accept custody of a person from a citizen unless probable cause has been articulated or demonstrated.

In those cases where the officer determines that acceptance of custody would not be appropriate, advise both the arresting private citizen and the subject of the reasons for this decision.

Prepare a detailed report in all instances where the officer determines not to accept custody.

When taking custody of an adult who has been arrested by a private person, the reporting member shall:

- Advise the defendant of his or her rights according to the Miranda warning if a statement is to be taken from the defendant in a circumstance where the defendant may reasonably feel he or she is not free to leave.
- Issue the defendant a citation or transport the defendant to NORCOR.

When taking custody of a juvenile who has been taken into temporary custody by a private person, the officer shall:

- Advise the defendant of his or her rights according to the Miranda warning if an interview of the defendant is to be taken while the defendant is not free to leave.
- Contact the Juvenile Department or NORCOR Detention to determine if the juvenile is to be:
 - Cited and released into the control of the person having legal custody, such as his or her parents, guardian, or school authority, or
 - Transported to the Juvenile Department, or to NORCOR Detention.

When making a decision as to whether a person arrested by a citizen should be issued a citation and released, or lodged in the appropriate holding facility, the member shall consider the following factors:

- The offender's attitude, past record, and the time, place, and nature of the crime
- Whether the offender is likely to appear in court
- Whether the offender's general physical and mental condition is such that he or she will be a danger if presented to the victim or the public if the offender is released
- Whether the offender is likely to be re-involved in the same offense

The seizure and marking of evidence will conform to the normal procedures followed when an officer makes an arrest of an adult or juvenile.

SECTION 8 – PROBABLE CAUSE, ORS 133.525-133.537

With certain exceptions (i.e., valid consent search, emergency aid, incident to arrest, parole/probation searches, plain view, and protective sweeps), most types of searches require probable cause and a search warrant to be valid. In general, probable cause to search means a substantial objective basis to believe that more likely than not:

- A criminal offense is being, or has been, committed.
- Items of evidence pertaining to that criminal offense are in a specific place sought to be searched.

1. SEARCH WARRANTS AND EXCEPTIONS

As a general rule, searches require a search warrant. There are exceptions to this general rule, wherein a search warrant is not required as a prerequisite to conducting a search (i.e., administrative, automobile exception, community caretaking, consent, emergency aid, exigent circumstances, hot pursuit, incident to arrest, parole/probation searches, protective sweeps, and stop & frisk). In order to search without a warrant, members must comply with the requirements for an exception as currently set down by the courts.

The following are subject to seizure:

- Evidence of or information concerning the commission of a criminal offense
- Contraband, the fruits of crime, or things otherwise criminally possessed
- Property that has been used, or is possessed for the purpose of being used, to commit or conceal the commission of an offense
- A person for whose arrest there is probable cause or who is unlawfully held in concealment (i.e., children held in violation of a custody order and held in concealment from the court)

2. MEMBER RESPONSIBILITIES

- As this area of law is constantly changing, it is all members' responsibility to remain aware of current law.
- Generally, searches and inventories of a detainee may be conducted by a member of the opposite gender from that of the detainee. When available and tactically practical, it is recommended that a member of the same gender as the detainee conduct the search.
- Strip searches will not be conducted by Department members.
- Members should document all searches in their report. This documentation should include reasons for, nature of, and results of the search.
- Unreasonable searches can result in discipline, suppression of evidence in criminal court, or an award of damages in civil court.

SECTION 9 – OFF-DUTY RESPONSIBILITY OF OFFICERS

Under ORS 133.235 Arrest by a Peace Officer, sworn officers retain their authority 24 hours a day anywhere in Oregon. Members may encounter situations involving criminal conduct while off duty. Typically, members encountering these situations will be missing some or all of the equipment that they would have

available when on duty. Members taking police action in these situations may risk injury to themselves and create confusion for bystanders and on-duty officers arriving on the scene.

Members considering taking off-duty police action should consider the following factors before making their final decision:

- The seriousness of the offense
- The threat of injury
- The availability of safety equipment
- The availability of on-duty assistance
- The tactical situation
- The urgency of the need to prevent the crime or apprehend the suspect

Whenever possible, off-duty members should defer to, or obtain assistance from, the appropriate law enforcement agency.

Members shall not make arrests, issue citations, or use their official position to gain an advantage in a personal conflict. Additionally, members are not required to perform their official duties when a personal relationship is involved. In said situations, members shall notify the agency responsible for the jurisdiction in which the event is occurring in order that members may be dispatched to investigate and take appropriate action.

SECTION 10 – NARCOTICS TESTING

All field testing with a Narcotics Identification Kit (NIK kit) of any narcotics shall be done in an open-air setting, outside any building or vehicle. This means that no officer of this Department or other departments will be testing narcotics in The Dalles Police Department or in his or her patrol vehicle.

The only exception is that narcotics may be tested under the vent hood in the fingerprinting area, with the fan on, provided all of the following regulations are met.

At no time will anyone in this Department test narcotics in the presence of any non-sworn law enforcement person. An exception can be made for authorized ride-along participants.

When conducting a NIK test of any narcotics, there shall be one other law enforcement personnel present with the officer who is testing the narcotics. Having the second sworn law enforcement officer present is a layer of protection for the testing officer should the testing officer be exposed and become unconscious.

Both the testing and the observing officer must have opioid overdose medication immediately available, and both officers must be trained in the use of the medication.

When testing any narcotic, officers of this Department shall wear Nitrile powder-free rubber gloves. After the narcotics have been tested with a NIK kit, any narcotics seized as evidence shall be placed into two (2) evidence bags. These evidence bags shall be sealed before being placed in the patrol car, and before being brought into The Dalles Police Department.

When narcotics are brought back to The Dalles Police Department, they shall be weighed while keeping them inside the evidence bags. This weight shall be noted in the report and in the evidence portion of the report.

Once narcotics are brought back to the Police Department, the officer shall wash his or her hands with soap and water.

In the event that narcotics were brought into the station in found property or property that was seized pursuant to a search warrant, once the narcotics are found, those narcotics will be tested in the presence of another sworn law enforcement personnel following all the guidelines mentioned above.

SECTION 11 – OPIOID OVERDOSE MEDICATION

Only members who possess a current and valid certification may administer opioid overdose medication. Members of this Department may administer opioid overdose medication in accordance with protocol specified by the physician who prescribed the overdose medication for use by the members.

1. OPIOID OVERDOSE MEDICATION USER'S RESPONSIBILITY

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Captain.

Any members who administer an opioid overdose medication should contact Dispatch as soon as possible and request response from EMS.

2. OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication shall take a case number and detail its use. Those reports shall be forwarded to the Captain. The Captain will ensure those reports are forwarded to the Chief Deputy of the Wasco County Sheriff's Office, who will ensure that information is reported and retained according to applicable state law.

3. OPIOID OVERDOSE MEDICATION TRAINING

The Captain should ensure training and re-training is provided to any member of this Department who is authorized to administer opioid overdose medication. Training shall be coordinated with the Oregon Health Authority, Public Health Division.

SECTION 12 – HAZARDOUS MATERIALS

Members shall hold human safety as the first priority and the reduction of environmental impact as a secondary priority.

Officers responding to potential hazardous materials incidents should be extremely cautious and defer the management of the incident to the Fire Department and specialized hazardous materials teams or responders as soon as possible. Officers should:

- Approach from an upwind direction.

- Be mindful of potential explosions.
- If it can be safely done from a distance, obtain any placard number from the tanker to aid in identification.
- Keep bystanders at a safe distance.
- Ask Fire Command for the location of the command post. The Fire Department incident commander may assign roles to police personnel.
- Initiate a call to the Oregon Emergency Response System at 1-800-452-0311.
- Advise the Chief and Captain of any HAZMAT incidents.

1. SUSPICIOUS FIRES OR ARSON

In the event arson is suspected, officers shall notify the Detective Sergeant at once and indicate their suspicions in the reports. Officers at the scene of a suspected arson fire shall prepare the appropriate reports, copies of which will be routed to the detectives who are responsible for the continuing investigation of arson cases.

Officers of this Department who detect a fire or potential fire while in the field shall immediately report the circumstances to Dispatch and summon the appropriate personnel and equipment to the scene.

2. HAZMAT EVENT

Officers who respond to a call that involves any type of HAZMAT spill or incident shall summon the appropriate Fire Department personnel. By Oregon law, the Fire Department is the agency responsible for responding to and managing HAZMAT incidents.

Officers will provide all assistance required to ensure safety and security at any HAZMAT incident.

SECTION 13 – COOPERATION WITH FIRE DEPARTMENTS

This procedure is to assure cooperation with all Fire Departments in The Dalles Police Department jurisdiction by providing personnel and equipment to handle police aspects of fire and HAZMAT calls.

The first officer on the scene of a fire shall assess the situation and request whatever additional personnel and equipment are needed and shall cancel the assignment of other police units if there appears to be no need for them.

DUTIES OF POLICE PERSONNEL AT A FIRE DEPARTMENT INCIDENT

- Control automobile and pedestrian traffic, including spectators, in the area. Road blocks, barricades, or rope fire lines may be utilized.
- Protect fire equipment and hoses, and prevent vehicles from running over hose lines
- Call for tow truck service if required

- Establish a safety perimeter in the event of a major incident and keep unauthorized vehicles and persons out. Passes may be issued by police command personnel at the scene if this type of control is needed.

Although certain activities at a fire scene are the Fire Department's responsibility, Department personnel shall assist fire fighters when requested in the following duties:

- Evacuating occupants of nearby buildings which may be threatened by fire
- Rescue, first aid operations, and summoning ambulances
- Notifying public utilities if their services are needed
- Denying unauthorized persons entry to burning buildings

SECTION 14 – CIVIL DISORDER, DEMONSTRATIONS, AND EMERGENCY INCIDENT COMMAND SYSTEM

The Dalles Police Department recognizes the Incident Command System (ICS) as the command and control method to use during major emergencies. The use of ICS is in keeping with the National Interagency Incident Management System (NIMS) and in compliance with the mandate of Oregon State OSHA during HAZMAT incidents.

ICS is organized into five general areas which are: command, operations, planning, logistics, and finance.

In a small incident, the incident commander may perform all the functions. In a medium-sized incident, the incident commander may delegate one or more functions. In a large incident, several agencies may be involved with each functional area under the direction of a section chief.

This procedure establishes basic policy for the purpose of dealing with emergencies which might erupt spontaneously and without warning, where the senior officer in charge is faced with a situation that is not able to be controlled with the personnel and equipment immediately available.

1. CIVIL DISORDER

In handling of any civil disorder, the following policies shall be adhered to:

- Immediately upon ascertaining that the above situation exists, the Shift Sergeant or senior officer in charge will immediately notify the Chief of Police or Captain.
- Every lawful, appropriate, and humane means shall be used to enforce the laws of the state of Oregon and City ordinances to suppress any civil disorder as quickly as possible.
- All necessary Department resources shall be called upon to provide assistance in the suppression of disorder. In the event the situation is out of control and additional resources are needed to re-establish order, additional personnel and equipment are available from other departments, e.g., Wasco County, Hood River, OSP, etc. The Chief of Police shall request the assistance of the appropriate law enforcement agencies. All responding agencies will operate under the command of the Chief of Police or designated commander.

- The Shift Sergeant will assume direct control of the situation until relieved by a senior officer, e.g., Chief of Police or Captain. Any of these senior officers may, if needed, assume command of the situation at any time.
- Supervisors and managers shall maintain control over members of their command to prevent independent, illegal, or inappropriate acts which would jeopardize the lawful, restrained, and effective suppression of a civil disorder.
- Every effort shall be made by each member of the Department to suppress the disorder without acting in a manner which would further aggravate the situation or contribute to a recurrence.
- The existing Policies of the Department in respect to the restrained use of force, and particularly restraint in the use of firearms, shall be adhered to. Warning or signal shots shall never be used to attempt to control a civil disorder.
- Except for a case where immediate use of a belt-worn OC Spray is reasonable and necessary as a use of force in making an arrest or protecting a person, and within Use of Force policy and lawful, the Chief of Police or the Captain must approve the use of area treatment chemical agents at a riot or civil disorder event that has become criminal. Prior to deployment of area treatment chemical agents, warning announcements will be made if it is safe to do so.
- The existence of civil disorder in no way alters the responsibility of the police to protect the rights of the individuals and to always act in a lawful manner. The conduct of officers, at such times, should promote good community relations and not contribute to the disorder by arousing animosity toward the police. Officers shall prevent any extremist acts by any group or against any group.

Members of the Department shall speak in a restrained and responsible manner in respect to civil disorder incidents.

In cases where the possibility of large-scale disorder exists and time permits planning, the Chief of Police or Captain will order the required personnel and equipment necessary to preserve the peace.

In the event the disorder is of such major proportions that state or federal troops are required, the Chief of Police or Captain will request this assistance through the office of the City Manager or the Mayor.

All members of the Department must be familiar with ORS 131.675 "Dispersal of unlawful or riotous assemblages" and ORS 166.025(e) Disorderly Conduct.

Nothing in this Policy is intended to interfere with the lawful and constitutional rights of individuals to peacefully assemble and/or the expression of free speech.

2. DEMONSTRATIONS

This procedure establishes the basic policy to be followed by the Department in the handling of demonstrations to ensure the protection of the lives, rights, and property of the public and demonstrator(s).

3. DEFINITIONS

Demonstration – the activity of a group of people present together, and acting in concert, for the purpose of gaining attention and commitment from others to support its feelings or intentions in respect to a person, a cause, or an incident. Demonstrations can be divided into the following distinct categories:

Lawful protest – participants are lawfully demonstrating by utilizing the constitutionally protected right of free speech, assembly, and petition.

Civil disobedience – demonstrators refuse to comply with laws which the group feels unjust without resorting to physical violence.

Civil disorder – is the violent and unlawful actions of a number of persons which, due to its great danger to life and property, requires immediate and carefully controlled action on the part of the police to suppress the incident.

It is the Policy of this Department to act with complete impartiality with respect to a demonstration, and to equally protect the rights, persons, and property of both demonstrators and the general public.

Members shall use restraint and discretion in enforcement practices as they would in dealing with individual offenses and offenders.

Civil disobedience usually does not result in violent action by the participants, and can usually best be handled by the restrained but firm enforcement of the laws being violated, if the participants refuse to comply after being warned of arrest.

Demonstrations often occur on private property with no other violation than a trespass. Normally, no police action is warranted in such an incident, except upon the request of a responsible private complainant as the result of an actual offense with assurance that prosecution in court will result. Where there is a violation of law amounting to actual danger to life or the valuable property of persons not present to act as a complainant, officers shall immediately restrain and arrest the offenders.

A member receiving information concerning the probable or actual occurrence of a demonstration shall immediately notify his or her supervisor, or Central Dispatch, either of whom shall ensure that the appropriate command officer, Chief of Police, and Captain are notified as soon as possible.

A minimum of one field supervisor will be assigned at the scene of a demonstration to coordinate police activity and to ensure that adequate personnel are available to carry out the Policies of the Department.

Command and supervisory personnel shall ensure that the officer's conduct is appropriately restrained and completely impartial in word and acts. Department members shall speak in a restrained and responsible manner with respect to demonstrations.

Officers shall conduct themselves in such a manner as to ensure that participants and on-lookers recognize their impartiality. Officers shall not engage in other than necessary and appropriate conversation with either demonstrators or on-lookers, and shall perform their duties in a dignified manner.

Weapons other than an officer's regular equipment shall not be in public view during the demonstration.

4. DISTURBANCES

In order to effectively control large disturbances and to ensure public safety, officers shall take all reasonable and appropriate action to enforce law violations at the scene of major disturbances affecting as many arrests as practicable under the circumstances.

5. PREPARATION

Upon confirmation that a disturbance is beyond the ability of one or two officers to control, the responding officer(s) shall immediately notify the on-duty supervisor, who shall conduct an on-site evaluation to determine the appropriate level of response in order to provide for public safety.

Depending upon circumstances, i.e., size of group, etc., the ranking on-duty supervisor shall assemble a sufficient number of officers necessary, utilizing all available personnel required, including detectives, reserves, Wasco County Sheriff's Department, and Oregon State Police personnel to gain control of the disturbance.

After reviewing all appropriate information available, the ranking on-duty supervisor shall begin a plan of action by:

- Notifying the Chief of Police and Captain.
- Calling out additional personnel and equipment if required.
- Requesting Oregon Liquor Control Commission (for infiltration, intelligence, and consultation) where alcohol violations are involved.
- Requesting Wasco County Sheriff's Department.
- Requesting Oregon State Police, under extreme circumstances.
- Requesting, if necessary, tow trucks.
- Designating a property control officer for processing and transporting evidence.

6. RESPONSE TO EMERGENCY OR DISASTER SITUATIONS BY OFF-DUTY OFFICERS

This Policy is intended to assure the organized availability of sworn personnel in situations where high manpower requirements are critical.

No officer shall respond to the location of any major emergency or disaster while off-duty without reporting to his or her duty station for assignment first. If ordered to report to assist at the scene of an incident, the officer shall respond under the command of an officer in charge of the incident.

If the normal duty station is inoperative, the officer shall contact by phone, if possible, any other section of the Department or Central Dispatch for instructions.

A command post shall be set up by the commanding officer of the zone where the incident is occurring.

SECTION 15 – ACTIVE SHOOTER

The immediate goal of police response to active shooter incidents is to prevent further injuries by neutralizing the shooter(s)' ability to cause harm as soon as possible.

DEFINITIONS

Active Shooter – An active shooter is an armed person who has used deadly physical force on other persons and continues to do so while having unrestricted access to the victims.

Immediate Action Rapid Deployment – The swift and immediate deployment of law enforcement personnel and resources to an ongoing, life-threatening situation where delayed deployment of personnel could otherwise result in death or bodily injury to innocent persons. Immediate Action Rapid Deployment tactics are not a substitute for conventional response tactics to a barricaded gunman.

It is the Policy of The Dalles Police Department to require initial responding officers to take immediate action to contain and, if necessary, neutralize active shooter incidents.

In a situation where a suspect is actively shooting victims, officers must immediately locate and confront the suspect and take whatever action is reasonable and necessary to stop the suspect from shooting additional victims. Due to the urgency to immediately save lives, it is not permissible to wait to establish a perimeter, or a command post, or wait for specialized units to arrive.

Priority one must be immediately stopping the shooter from harming additional victims. Rendering aid to those who are injured would be secondary.

Controlling the scene, establishing a perimeter, establishing a command post, and preserving evidence are important police functions, but are secondary to preserving the lives of innocent citizens.

If the responding officers end up isolating and containing the shooter into an area where the shooter does not have access to victims, then the situation has evolved into a barricaded subject incident.

SECTION 16 – BANK ROBBERY/BURGLARY ALARM RESPONSE

The Captain, or a person designated by the Captain, will be responsible for notifying all banks within the City of this Department's procedure in response to robbery alarms.

Bank personnel will be notified that upon the communications center receipt of a robbery alarm, they will be contacted by Dispatch personnel.

The Captain, or a person designated by the Captain, will also arrange a location outside, away from and out of view of the bank, that will be used for bank personnel to meet with officers in the event of a robbery alarm.

The Captain, or a person designated by the Captain, will be responsible for the liaison between the banking institutions within the City and the Police Department, and the notification of those institutions of any changes in the procedure.

1. RESPONSE

All bank robbery incidents will be initially regarded as legitimate, unless investigation determines otherwise. The Dispatch member receiving the bank robbery alarm will broadcast the alarm to all units. The location of the business involved will be listed in the CAD on the MDT.

Units will respond as quickly as possible without the use of sirens. Emergency lights will be deactivated upon arrival in the immediate area. Responding units will set up a perimeter around the bank, in an area no closer than one block from the bank. Marked patrol units will never drive by or park close enough to be visible from the bank.

The initial priority of the marked units is to be available in the area to detect any reported escape of suspects. As the incident progresses, the scene supervisor will direct marked units if additional action is necessary.

Officers will familiarize themselves with the designated meet locations for each bank, as determined by the Captain.

Marked patrol units do not deploy to the "meet" location unless detectives are not available. All radio transmissions will be kept to a minimum.

2. COMMUNICATIONS WITH BANK PERSONNEL

After the arrival of the responding units, and upon the request of the commanding officer, Dispatch will call the bank and ask to speak to the manager or the person in charge. The dispatcher will identify himself or herself as a 911 operator calling from the Wasco County 911 Center.

The dispatcher will tell the bank official that the bank's robbery alarm is going off and ask the bank official, "Is there a robbery in progress in your bank? Please answer 'yes' or 'no'."

If the answer is "yes," the incident will be treated as a robbery in progress. The 911 dispatcher will alert patrol to the response received and attempt to gain additional information using yes/no questions to the bank official on the phone. Deployed police units will treat the situation as a robbery with hostages present and no attempt will be made to enter the bank until it is safe to do so, or until command personnel make the decision to enter the bank.

If the answer is "no," the 911 dispatcher is to request the bank employee meet with police personnel at the pre-designated location. The reason for the meeting is to confirm that bank personnel are safe and not being held against their will.

The communications dispatcher will notify the commanding officer when the bank employee is en route to the meet location. Police units will hold at their deployed locations until the meeting with the bank official has been made and the safety of employees at the bank has been confirmed.

Upon contact at the pre-designated location, the police officer on scene will determine the reason for the false alarm. All contact with bank employees shall be by plain clothes officers, if available. If a robbery has occurred, and the business is a bank or financial institution, the command officer shall have the following agencies advised in order:

- Wasco County Sheriff 541-506-2580

- Oregon State Police 541-296-9646
- F.B.I., Portland 503-224-4181

The criminal investigation inside the bank will be coordinated by detectives unless the FBI arrives and takes over the investigation. The search for suspects who have fled the scene of the robbery will be coordinated by the senior officer on duty or the designated incident commander.

It will be the duty of the investigative officer to provide the Chief of Police, and/or the representative of the FBI, with details of the crime so they can determine what information should be released to the news media. No others will release information to the news media or public without the permission of the Chief of Police.

If the suspect takes hostages, follow the guidelines established in Chapter 31 – Hostage Situation.

3. BANK ALARM MEET LOCATIONS

Because banks open and close and occasionally move, locations for meeting will be selected based on the current locations, situations and factors existing at the time. The on-scene supervisor may choose a location that suits the situation and the location will be communicated to bank staff if possible.

SECTION 17 – BURGLARY/INTRUSION ALARMS

- All burglary/intrusion alarms will be initially regarded as legitimate, unless an investigation determines otherwise.
- When a burglary/intrusion alarm sounds, the communications dispatcher will broadcast the location in code and assign the nearest patrol unit.
- Responding patrol units will respond as quickly as possible **without** the use of sirens when within range where the siren could be heard. Emergency lights will shut off as soon as they could become visible in the area of the alarm location.
- Officers responding will check the perimeter of the premises to make sure that all windows, doors, and any other openings are secure.
- If premises are secure and it has been determined that the alarm is false, the owner will be notified and requested to come to the location to secure the alarm. An officer will stand by the location until the arrival of the owner, unless the owner elects not to respond.
- If the premises are not secure, the premises will be treated as any other crime scene and should be searched in an attempt to determine if a crime has been committed and/or if persons are inside.

All buildings with burglary/robbery alarms are required to have City alarm permits. Responding officers shall check for a valid permit. Permits may be obtained from the Police Department.

SECTION 18 – INTOXICATED, SICK, OR INJURED SUBJECTS

1. INTOXICATED PERSONS

This procedure is designed to ensure the appropriate handling of intoxicated persons under the Oregon Criminal Code and the Alcohol Treatment Act. (ALCOHOL TREATMENT ACT ORS 430.306 TO 430.401)

An intoxicated person shall be handled under the provisions of the Alcohol Treatment Act. Driving offenses are unaffected by the Alcohol Treatment Act.

A person who has consumed a quantity of alcohol that results in a loss of consciousness is likely incapable of having the intent to commit a criminal offense such as disorderly conduct or criminal trespass, and should not be arrested on such charges.

For those subjects whose behavior falls short of the conditions requiring the officer to take the person into custody, but the subject has exhibited some anti-social conduct, including mere public annoyance, the officer may take one of the following actions:

- Take or send the person to his or her home, a family member or safe location
- Take the person to an alcohol treatment facility

2. INTOXICATED PERSON MANDATORY ACTION

Officers shall comply with ORS 430.399.

An officer has a mandatory duty to take action when he or she observes an intoxicated person in public who is in any one of the following three conditions:

- There is an immediate danger to the person's health.
- The officer has reasonable cause to believe the person is dangerous to himself or others.
- The person is incapacitated, that is, he or she is unable to make a rational decision concerning the acceptance of assistance (e.g., by being either unconscious or simply irrational).

Under the mandatory duty to take action, the officer shall take the person into protective custody and deliver the person to an appropriate treatment facility.

- The director of the treatment facility shall determine whether a person shall be admitted as a patient, referred to another treatment facility, or denied referral or admission.
- An intoxicated person or a person under the influence of a controlled substance, when taken into custody by an officer for a criminal offense, shall immediately be taken to the nearest appropriate facility when the condition of the person requires emergency treatment.

3. INTOXICATED PERSON NOT IN A PUBLIC PLACE

An officer summoned to a private residence has no additional authority under the Alcohol Treatment Act, which applies only to persons intoxicated in public. Therefore, a person in his or her own home is not subject to being taken into protective civil custody, but may be arrested if the person has committed a specific crime.

4. SICK AND INJURED PERSONS

If the officer feels a person's life is in danger due to illness or injury, an ambulance shall be immediately ordered and the person sent to the hospital without delay as determined by Emergency Medical Services (EMS).

In other cases, the officer shall assist the sick or injured person, parent, guardian, or spouse to obtain transportation and medical treatment of his or her choice. If the victim is over 18 years of age, the sick or injured person's decision on treatment or transportation is final. If the victim is under 18 years of age, or unable to give directions, and there is no parent or guardian available, the decision for medical treatment shall not be made by the officer, but will be left up to the EMS or a care provider. In case of conflicting directions from a spouse, parent, or guardian, the officer shall follow those which seem most reasonable in the circumstances.

If the sick or injured person is unconscious, and no parent, guardian, or spouse is present, the officer shall request EMS to evaluate the subject.

If the sick or injured person is under arrest and in custody, the officer is responsible for the prisoner's physical condition.

5. ESCORTING TO HOSPITAL

Occasionally, an officer on patrol will be asked to escort a private vehicle containing a sick or injured person to a hospital. Often the operator of the private vehicle is in a highly emotional condition. The officer will give the driver clear instructions to the desired destination and caution him or her to drive carefully. In unusual cases, especially if the private parties are strangers to this area, the officer may feel the need to guide them.

The member should explain that this will NOT be done with emergency lights and siren, and that all driving rules and traffic signs will be obeyed. The operator of the private vehicle should be further cautioned to keep a safe distance behind the police vehicle. The shift supervisor shall be notified, but this is not to delay an emergency case.

6. TRANSPORTING SICK AND INJURED IN A POLICE VEHICLE

Transporting a sick or injured person in a police vehicle will happen only in an extreme emergency when a life is at stake and no other mode of transportation is available, or if the person becomes ill or injured while being transported for other reasons. The shift supervisor shall be notified, but this is not to delay an emergency case.

SECTION 19 – CHILD CUSTODY DISPUTE AND HOUSEHOLD

It shall be the Policy of The Dalles Police Department to respond to child custody disputes only when there is an in-progress threat to the personal safety of the persons involved. When responding to a child custody dispute, the officer's only duty shall be peacekeeping in nature.

Officers responding to a child custody dispute have no authority to give custody of the child to either parent unless the parent has the necessary legal documents awarding custody to him or her. The officer may, however, take the child into protective custody if, in the officer's opinion, the child would be in danger by remaining in the home.

Citizens in need of child custody information shall be advised to contact an attorney so the proper documents may be filed with the court in order to establish custody of the child.

SECTION 20 – HOUSEHOLD DISSOLUTION STANDBY (CIVIL STANDBY)

It shall be the Policy of The Dalles Police Department to respond to household dissolution standbys (standby on a move out request) only when there is a restraining order or court order directing law enforcement to

provide a civil standby. When responding to a household dissolution standby, the officer's only duties shall be to ensure the prevention of injury and compliance with the domestic disturbance laws.

Officers will spend a maximum of 20 minutes engaged in a civil standby.

Officers responding to household dissolution standbys have no authority to allow or prevent either party from removing property from a household unless the party has the necessary court order which details each item to be removed.

Citizens in need of household dissolution information shall be advised to contact an attorney so that the proper document may be filed with the court in order to obtain a court order.

SECTION 21 – ADVICE TO CITIZENS IN CIVIL MATTERS

This Policy is intended to ensure proper referral on civil matters so that a person asking for assistance shall receive competent advice.

A "civil" matter is a dispute between citizens not involving criminal activity.

If an officer, after conducting an investigation, decides the case is a civil matter, he or she shall advise the complainant to seek legal advice of his or her own choosing, or the officer may refer him or her to a local mediation service.

An officer shall not recommend or refer persons to a particular private attorney, or particular law firm but, if asked for a reference, the officer shall refer the complainant to the Oregon State Bar.

If the complainant claims to be financially unable to hire an attorney, the officer shall refer the complainant to Oregon Legal Services (Legal Aid).

Oregon Legal Aid, 1-800-228-6958

Officers will NOT refer civil matters to the City Attorney or District Attorney's offices.

SECTION 22 – BICYCLE POLICY

1. STOLEN BICYCLES

Stolen bicycles will be treated as any other theft or burglary incident. An officer will be dispatched to take the appropriate report.

The complainant will be instructed to notify the officer if the bicycle is recovered.

The complainant will be advised if the Department has unclaimed bicycles which may be viewed by arrangement at the Police Department information desk.

A case number will be obtained.

If the victim of a bicycle theft is able to provide the necessary information, the reporting officer will contact Dispatch to make a LEDS entry. The following information is absolutely required:

- Brand name
- Serial number

- Size
- Color
- Value
- Date
- Case file number

The following information is desirable for entry into LEDS, but is not absolutely required:

- Trim, special modifications, etc.
- Frame description
- Owner-applied number or markings
- Type (boys, girls, how many speeds)

The officer will indicate in the report that the LEDS entry has been made.

2. FOUND BICYCLES

When a found or apparently abandoned bicycle is reported, an officer will respond.

The officer will examine the bicycle for a bicycle license or other means to identify the owner. If found, the officer will attempt to contact the owner and arrange for the return of the bicycle.

If the owner is not determined, the officer will check LEDS/NCIC to see if the bicycle is listed as stolen. Because few bicycle theft victims are able to provide a serial number, it is important that the officer also check the in-house computer system (Justice) for any stolen bicycle reports that may match.

If the bicycle is believed to be stolen, it will be handled in accordance with the property manual.

If the bicycle is not believed to be stolen, and it appears the value of the bicycle is less than \$250, the officer should provide the reporting party with a found property pamphlet. The officer should also explain to the reporting party that the reporting party may contact the Salvation Army or St. Vincent DePaul on the next business day and arrange for pickup. A log will be generated, and the officer will enter a complete description of the bicycle. In the event information develops at a later time that the bicycle may be stolen, St. Vincent's or Salvation Army may be contacted.

If the value of the bicycle appears to be over \$250, the officer shall obtain a police report number. The bicycle will then be transported to Bicycle Impound. A manila tag will be wired to the bicycle indicating the case number, date, and that the bicycle was found. A police report will be generated, listing a complete description of the bicycle.

SECTION 23 – ABANDONED/STORED VEHICLE AND OVERSIZED VEHICLE PROCEDURE

1. DEFINITIONS

Abandoned vehicles – vehicles that are visibly not in operable condition such as missing parts required for operation, have expired registration or no plates, full of trash, can be articulated as actually abandoned as opposed to being parked on the street for an extended time.

Vehicles from OR/WA with expired registrations can be forwarded to Codes Enforcement. Vehicles with expired registration from other states will be handled by this Department.

Stored vehicles – vehicles that appear in working condition, are currently registered, and the only violation appears to be that it has been left on the street in the same location for over 5 days.

Recreational Vehicles, Boats, and Oversize Trailer – Generally, any vehicle or trailer which is 22 feet or more in length, 94 inches or more in width, or 92 inches or more in height. Full specifications and definitions are listed in City Municipal Code 6.04.160. Oversized vehicles may not be on any City Right of Way unless in compliance with and bearing a valid permit.

City Right of Way – Right of way measurements are made from either side of the center of the street or alley. The width of the right of way varies, and the measurements for any given location may be obtained from the City of The Dalles Engineering Department.

An officer who is dispatched to any of the above vehicle complaints is responsible for the completion of the call by following the procedures below. Officers will not hand over control of the process unless approved by their shift supervisor. All actions taken, until the call is completed, shall be entered into CAD under the original CAD number so that duplicate complaints can be identified.

2. ABANDONED VEHICLE PROCEDURE

A vehicle left abandoned on a city street or alley or any other property within the boundaries of the City Right of Way may be towed 24 hours after proper notice is given.

Members of the Department shall not tow an abandoned vehicle from private property unless directed to by the Chief of Police or his or her designee.

Initial Response

- After locating the reported abandoned vehicle, the officer will run a registration check through DMV and verify the Vehicle Identification Number.
- Mark or photograph the vehicle location.
- Fill out and affix a Tow Notice sticker (orange) in a conspicuous location on the vehicle window or other area if necessary. The tow date on the sticker will be 5 days later.
- Complete a VEHICLE MARKING/TOWING DATA SCREEN form (yellow slip).
 - If the registration indicates a "flag 10 or 11" (indicating the vehicle has been sold), a teletype will be sent to DMV requesting the new owner information. A copy of the teletype will be

attached to the VEHICLE MARKING/TOWING DATA SCREEN form. This form will be stapled to the registration and forwarded to the administrative staff for computer entry. The staff will then return the form to the officer.

- Save the photographs in a location where they can be added to a case file at a later time if necessary.
- Document the completion of the above actions in the CAD comments prior to clearing the call.

5 Days Later

- Confirm the vehicle is in the same location (within the reported street block).
- Photograph the vehicle location, condition, and contents.
- Call the Central Dispatch and request a case number and a tow truck to tow the vehicle.
- Issue a parking citation.
- Fill out the Towed Vehicle Report. Complete the vehicle inventory. Give the pink copy of the report to the tow truck operator.
- Complete a Towed Vehicle Report and save any photographs on the police server.

NOTE: If the vehicle has moved from the street block, the process must be repeated if the vehicle is still in abandoned condition. If the vehicle is gone and not visible from the reported area, write “Gone” on the VEHICLE MARKING/TOWING DATA SCREEN form (yellow slip) and turn the slip in to the administrative staff (in which case the call is complete).

Hearing Request: If a hearing request is received regarding a vehicle marked as abandoned, the original will be given to the Municipal Court and a copy attached to the Police Department file.

3. STORED VEHICLE PROCEDURE

A vehicle parked or left standing on the right of way of any street or alley within the boundaries of the City may be issued a parking citation after five (5) days.

Initial Response

- After locating the reported stored vehicle, the officer will run a registration check through DMV and verify the Vehicle Identification Number.
- Mark or photograph the vehicle location.
- Return to check on the vehicle location 5 days later.

5 Days Later

- Confirm the vehicle is in the same location.

- If the vehicle has moved, notify the complainant that the vehicle is no longer in violation of the City ordinance. Document actions in the CAD comments and the call can be cleared as completed.
- If the vehicle has not moved, issue a parking citation.
- Document actions in the CAD comments. The call is not completed until the following steps are accomplished.
 - Continue to check on the vehicle each working day and issue a parking citation if the vehicle has not moved. Update the CAD comments to list each citation issued.
 - If the vehicle is moved at some point, update the CAD call and notify the complainant that the vehicle is no longer in violation of the ordinance. The call is then completed.
 - If 5 parking citations have been issued, after the last scheduled court date, call City Finance to inquire if all 5 parking citations have been paid.
 - If all five parking citations have not been paid by the time of the last scheduled court appearance, the vehicle is considered abandoned. Follow the steps above under Abandoned Vehicle Procedure.
 - If some parking citations have been paid, the officer may continue this process until the vehicle moves, or until 5 citations have not been paid. A vehicle with less than 5 unpaid parking citations cannot be towed. Alternative solutions to encourage compliance with the City Code should be considered.

4. OVERSIZED VEHICLE PROCEDURE

An oversized vehicle not in compliance with City Municipal Code 6.04.160 may be towed 24 hours later.

Initial Response

- After locating the reported violation, check to see if the vehicle or trailer has a City permit within the posted date range.
 - If a current permit is displayed, there is no violation and the complainant shall be advised of such. Add comments to the CAD and the call is complete.
 - If no current permit is displayed, but the owner is actively loading or unloading the vehicle or trailer, then there is no violation. The vehicle or trailer must be moved or have a permit once the owner is no longer in the act of loading or unloading. Ensure the owner is aware of the City Code requirements and notify the complainant of the disposition. The call is then complete.
- If the owner is not actively loading or unloading and there is no City permit in view, the officer will perform one of the two procedures below:
 - Procedure A
 - Place a parking citation on the vehicle and attach a tow notice sticker (yellow/green) on the vehicle or trailer.

- Take a photograph of the vehicle which shows the sticker and, if possible, the location of the violation.
 - Send Code Enforcement an email with the CAD number, brief description of complaint, and a copy of the digital photograph.
 - Document actions in CAD and the call is complete.
 - Codes Enforcement will be responsible for coordinating the tow of the vehicle or trailer.
- Procedure B
- Attach a Door Hanger on the vehicle/trailer or the residence to which the vehicle or trailer is registered.
 - Fill out the Door Hanger with a move by date of 5 days later.
 - Document actions in CAD.
 - Return to the vehicle or trailer on the move by date.
 - If the vehicle or trailer has not moved off of the right of way, follow the procedure in option A. Document actions in CAD.

SECTION 24 – OBSERVER RIDE-ALONG PROGRAM

Citizens are encouraged to observe Department facilities and operations so that they may become better informed concerning Department services.

1. QUALIFICATIONS AND LIMITATIONS

- Except for those individuals participating in bona fide Police Department programs, participants shall be 18 years of age or older.
- Applicants with criminal arrests or excessive traffic records may be excluded by the Ride-Along coordinator.
- A civil liability and indemnity agreement shall accompany all civilian observer applications, unless the rider is an employee of the Police Department or is a City employee working in a justice services-related function and riding in that capacity.
- No person shall be allowed to participate in a Ride-Along more than once per calendar year.
- Members of an officer's immediate family, city employees or elected officials may ride on more than one occasion, at the discretion of the Chief of Police or the Captain. Officers will be careful not to abuse this practice.

2. PARTICIPATION PRIORITY

Citizen observers shall be given priorities in the following order:

- Individuals who are engaged in a vocation or volunteer field activity which relates to law enforcement

- Persons living or working in areas for which the Department has patrol responsibilities
- Applicants currently being processed for positions within the Department
- Representative members of citizen or civic groups or other law enforcement agencies
- Family members
- Other applicants on an “availability” basis if approved by the Ride-Along coordinator

3. ADMINISTRATIVE PROCEDURE

The Captain shall act as the Ride-Along coordinator, and applications and waivers shall be routed to the Captain’s office for approval.

Shift Sergeants may approve applications only when the Ride-Along coordinator cannot be contacted.

The Ride-Along coordinator may limit the number of observers at any given time.

The Ride-Along coordinator shall assure that the applicant is qualified, generally by checking in-house contacts and reviewing criminal history.

Approved applications shall be forwarded to a Shift Sergeant, who will schedule a mutually-agreeable time for the Ride-Along to take place. Officers with less than one year experience will generally not be assigned civilian riders, at the Sergeant’s discretion.

Any appointment may be canceled without notice by the Shift Sergeant or his or her designee due to emergency conditions or heavy call loads.

4. GENERAL GUIDELINES

- Civilian observers will not be left alone in the squad room but will wait for the assigned member in the waiting area of the Police Department.
- Civilian riders are not allowed to access or view confidential information such as CJIS records. Assigned officers shall ensure the civilian rider is not able to view MDT screens, and that permission is obtained before entering Dispatch areas or other areas where confidential information is accessed.
- Civilian observers shall remain in the patrol vehicle when the call involves a sensitive incident/crime against a person, i.e., rape, assault, domestic violence calls, deaths, robberies, etc., wherein the introduction of a civilian observer would not be in the best interest of those involved.
- Assignment of a civilian observer is subject to termination when tactical consideration requires, or when the safety of the observer would be in jeopardy.
- The civilian rider is expected to follow any direction issued by the officer with whom he or she is riding. The officer may terminate the Ride-Along if the rider fails to follow safety-related instructions issued by the officer, or if the rider otherwise behaves in an unsafe manner, or if the rider engages in conduct that may bring discredit to the Department. In the event such action is taken, the officer will notify a supervisor and attach notes detailing why the ride was terminated to the associated application and paperwork.

- Upon completion of all observer Ride-Alongs, the assigned officer shall complete the bottom portion of the application and return it to the Shift Sergeant who shall return it to the Captain.
- Any exceptions to this procedure may be approved by the Chief of Police or Ride-Along coordinator.
- Civilian observers may not be armed with a firearm.

CHAPTER 12 – VEHICLE OPERATION

SECTION 1 – VEHICLE POLICY

The use of City-owned vehicles is restricted to City operational or business purposes, subject to the exceptions provided in this Policy. “De Minimis” use of City-owned vehicles, which is defined as an infrequent and limited use, is permissible under the following circumstances:

- An employee stops at a store or restaurant to purchase food while on a lunch or dinner break
- An employee using a City-owned vehicle to travel out of town may stop at a restaurant to purchase a meal. Visits to facilities where alcohol is the chief item for sale, casinos, or other establishments where entertainment is provided are not permitted. This does not apply when the purchase of a meal or lodging is at such a facility which is in connection with the attendance of a preapproved conference or training session.

City-owned vehicles shall only be used to transport City employees subject to the following exceptions:

- The Ride-Along program authorized for the The Dalles Police Department
- Any other person in relation to the officer’s official duty

City-owned vehicles will not be used for transportation of domestic animals belonging to City employees.

There shall be two categories of vehicle use. Vehicle assignment and operation shall be based upon the operator's use within these categories:

- CATEGORY 1 OPERATORS - Those members of the Department who are in an assignment that requires "immediate response" to an incident on a twenty-four hour per day basis, shall be designated Category 1 operators. Members in this group are authorized to use their assigned vehicles for personal activities after the normal hours of work while in the City area (radio range). If called, they are expected to respond immediately.
- CATEGORY 2 OPERATORS - Those members of the Department who are in an assignment that requires them to frequently drive to various locations at all hours, and who are "on call" for potential problems within their respective units or for general emergencies as determined by the Chief of Police, shall be designated Category 2 operators. Members in Category 2 are assigned vehicles but are not expected to respond to a call-in at the earliest possible time. Members in this group may utilize the assigned vehicle for work-related activities after the normal hours of work.

Those members assigned a vehicle shall normally be the only one authorized to drive the assigned vehicle. The assignee may designate a non-City employee to drive the vehicle only in a critical circumstance.

1. ASSIGNMENT OF CATEGORIES

The Chief of Police shall designate those members who are assigned vehicles.

2. IRS REPORTING

Internal Revenue code requires that all persons operating a government-owned vehicle for personal use shall be taxed for the personal usage portion of the mileage. This includes mileage accumulated commuting to and from work.

Two exceptions apply to the Department:

- Clearly marked police vehicles
- Unmarked law enforcement vehicles that are used in undercover work and are operated by full-time law enforcement officers

Members will not take City-owned vehicles out of the City's future urban growth boundary for breaks, lunch, or personal reasons.

Exceptions to the above may be authorized by the Chief of Police or the Captain.

3. ATTACHMENT – CITY POLICY CONCERNING CITY VEHICLE USE

The following policy is necessary for the City to comply with IRS regulations that govern these issues. Non-compliance with the IRS regulations in these matters creates a liability to both the City and individual employees who may be subject to retroactive taxes and penalties in the event of an IRS compliance audit. Any interpretation of this policy will follow IRS regulations.

General Provisions: *The use of City-owned vehicles is restricted to City operational or business purposes, subject to the exceptions provided in this policy. "De Minimis" use of a City-owned vehicle, which is defined as an infrequent and limited use, is permissible under the following circumstances:*

- *An employee stops at a store or restaurant to purchase food while on a lunch or dinner break*
- *An employee using a City-owned vehicle to travel out of town may stop at a restaurant to purchase a meal (excluding facilities where alcohol is the chief item for sale, casinos, or other establishments where entertainment is provided; provided further that this exclusion does not apply when the purchase of a meal at such a facility is in connection with attendance at an authorized conference or training session).*

City-owned vehicles shall only be used to transport City employees subject to the following exceptions:

- *The Ride-Along program authorized for the City Police Department*
- *Transportation of a public official, or consultants(s), or other authorized person(s) in conjunction with official City business, which authorized persons shall include, but not be limited to, persons riding as passengers in a City-owned vehicle operated by a City employee, when the employee is using the vehicle for travel to attend a conference or seminar, which travel has been authorized by the employee's supervisor or Department manager, or the City Manager.*

City-owned vehicles shall not be used for transportation of domestic animals belonging to City employees.

Violations of the restrictions on the use of City-owned vehicles can result in disciplinary proceedings.

City Police Department: *Any personal use of City-owned vehicles which are provided to employees who fall within IRS Category 1 (which includes the Police Chief and Police Captain), which does not qualify as use for commuting to and from work, will subject the employee to being taxed upon that personal use of a City-owned vehicle. No personal use of City-owned vehicles which are furnished to employees who fall within IRS Category 2 (which includes Detective and Senior Sergeant) is permitted, with the exception that travel to and from the employee's residence for lunch or dinner is permitted when the employee is a full-time law enforcement officer on official duty using a marked or unmarked law enforcement vehicle.*

Personal use of a marked or unmarked police vehicle shall only be allowed under the following circumstances:

- *The need for the use must occur infrequently and result from the occurrence of an unplanned event, such as a child becoming ill while attending school and no other family member is available to pick the child up from the school.*
- *The request for personal use of a police vehicle must be approved by a supervisor, the Police Captain, or Chief.*
- *The use of marked patrol cars to transport family members (for example, picking up a sick child from school) is discouraged and should only occur when there is no available alternative method of transporting the family member.*

Police Vehicle Standards: All police vehicles that are used for patrol operations will be equipped within the standards established under ORS 816.250 and OAR 735-110-0010 through 735-110-0050. This includes a distinctive police lighting package, a siren, and police radio. Patrol cars will be marked or unmarked; however, if marked, a standard livery will be used. Detective cars will generally be unmarked, have a covert lighting package, a siren, and concealed police radio.

The Department maintains vehicles necessary for specific job functions. Each type of vehicle is equipped for its job function. Items approved for use on the job are listed below by type of vehicle. Items not listed are presumed to be unapproved.

Marked or Unmarked Patrol Car:

- In-car camera system
- Department cell phone
- Radio
- Lights and siren
- Patrol rifle (optional shotgun or less lethal shotgun)

- Patrol rifle mounting system
- Stand, dock, and in-car computer system with connectivity equipment
- Prisoner cage
- Digital camera
- Prisoner restraint system
- Binoculars (optional)
- First aid kit, including Narcan
- Exposure control kit
- Stop Stick devices
- Roadside safety equipment (flares, triangles or cones, high visibility vest)
- Dog leash or dog treats (optional)
- Fingerprint kit or evidence collection supplies
- Spit hood (optional)
- Leg shackles (optional)
- Boot chains, tire chains
- Respirator (optional)
- Rubber gloves and hand sanitizer

Detective Cars and Administration Cars:

- Detectives and Administrators may drive cars that are less equipped than standard patrol cars to maintain a lower visibility when in public.
- At a minimum each of these cars will be equipped with a police radio and first aid kit.

Animal Control:

- Catch poles
- Net guns
- Animal cages
- Animal welfare equipment

Special Emergency Response Team (SERT) Vehicles:

- Vehicles assigned for SERT contain specialized equipment for SERT members only and will be equipped and inspected by the SERT Commander who has the sole responsibility for the contents of these vehicles.

SECTION 2 – MARKED OR UNMARKED PATROL VEHICLE

1. ASSIGNMENTS

In order to balance wear and tear on marked patrol vehicles, the Chief of Police will designate one officer to coordinate and assign marked patrol vehicles. Marked patrol vehicle assignments will be added to the schedule behind each officer's name.

Officers will drive their assigned vehicle during their shift. If the officer's assigned vehicle is out of service, a supervisor will be notified and the supervisor will assign another vehicle for the officer to drive.

A supervisor may also approve the use of unmarked vehicles or bicycles for special duty on a shift-by-shift basis. An unmarked patrol car is another tool to keep our community safe. Officers will remember that no matter how well lighted, some members of the public may not recognize an unmarked patrol car as such. If a driver fails to pull over, an officer operating an unmarked patrol car shall call for a marked car to come complete the stop and recognize the possibility of misunderstanding by the citizen. Unmarked patrol cars may operate in the day or night and fulfill all of the duties of a marked patrol car.

2. PRE-SHIFT INSPECTION

Prior to starting a patrol shift, the officer will inspect the patrol car and ensure that it is in safe operational order and reasonably clean. Operational order includes checking the oil, brakes, emergency lights, and other emergency equipment to ensure that they function as intended. The in-car video system should be checked for proper operation and, if the video system is not functional, the car should not be used until the system is repaired. The back seat prisoner area shall be searched for contraband prior to shift to ensure the safe transportation of prisoners.

3. ASSIGNED VEHICLE MAINTENANCE

A fleet maintenance program shall be kept updated by the Captain through the administrative staff.

All members shall inspect their assigned patrol vehicle. Any damage, missing equipment, or irregularities shall be noted on a vehicle and equipment checklist and the member's MDT/EIS computer activity log, and immediately called to the attention of the shift supervisor before using the vehicle. Emergency calls at the beginning of a shift would be an exception to the above.

All patrol vehicles will be inspected by the assigned officer(s) on a weekly basis to ensure proper maintenance. Officers assigned to a patrol vehicle will ensure the inspection items on the vehicle maintenance checklist are completed by Sunday of each week. The completed checklist will be kept on a clipboard in the squad room.

Should a vehicle require service, the officer(s) assigned to that vehicle will ensure all weapons and sensitive equipment are removed and the vehicle is taken to the appropriate shop. If all officers assigned to the particular vehicle are working nights or otherwise unable to get the car in for repair, an email will be sent to a supervisor working the day shift.

All Department vehicles shall be serviced each 3,000 miles. The service shall include, but not be limited to, oil change, chassis lubrication, etc. with LOF (lube, oil and filter change).

All Department vehicles shall be tuned up as needed.

The Captain will ensure that all other needed repairs will be completed in a timely manner.

Wiper blades, head lights, and various fluids are kept on-hand in the garage. Officers are encouraged to fix issues involving this equipment as needed. Officers will not attempt major vehicle repair.

SECTION 3 – VEHICLE REPAIRS

Department vehicles will be serviced at a place determined by the Department. If emergency road service is necessary, this will be arranged by the Shift Sergeant at the time it is needed.

Tires will be purchased at a place determined by the Department.

To ensure that needed repairs are accomplished between inspection periods, officers finding malfunctions or defects in need of repair shall complete a Maintenance/Repair Request form and give it to the shift supervisor. As much detail as possible describing the problem should be included.

The nature of the irregularity and the symptoms shall be listed in detail on the report and shall be given to the shift supervisor.

The shift supervisor shall review and initial the request, then forward the original to the Captain. The shift supervisor may direct the officer to take the vehicle to an appropriate shop for repair.

When the equipment has been repaired and returned to service, the maintenance repair request will be removed from the board and attached to any receipts, then forwarded to the Captain with written notation that the equipment has been returned to service.

Repair requests for radio malfunctions can generally be handled during the normal working hours of the radio technicians, Monday through Friday. It is the responsibility of the day shift supervisor to arrange for repairs to be completed.

Example forms:

MAINTENANCE/REPAIR REQUEST FORM

DATE _____ VEHICLE/EQUIPMENT DEFECTIVE _____

TYPE OF PROBLEM

IS VEHICLE/EQUIPMENT SAFE TO USE? _____

REPORTING OFFICER _____ SHIFT SUPERVISOR _____

DAY SHIFT SUPERVISOR COMPLETE: POINT OF REPAIR ___

TO BE COMPLETED _____

COMMENTS _____

1 Copy on Board/1 Copy to Captain

----- EQUIPMENT MAINTENANCE/CHECKLIST

DATE _____

VEHICLES

SHOP #	MILEAGE	NEXT SRV	OIL	COOLANT	FLARE	TIRES	1st AID	EXT	BARRIER TAPE

COMMENTS:

SECTION 4 – GENERAL GUIDELINES

Police equipment shall not be used to push other vehicles. Damage resulting from this type of action will be charged to the officer and could result in disciplinary action.

Patrol vehicles used to escort other emergency vehicles/equipment or a private vehicle in an emergency are cautioned to be extremely careful during the escort. Officers shall not furnish such escort without first clearing it with the Shift Sergeant.

Vehicles are assigned for official use and any unauthorized use of City vehicles may lead to disciplinary action against the member unless authorized by the Chief of Police.

Members using Department vehicles for trips out of the City must first check the vehicle out. The Captain will assign the vehicle to be used. This does not apply to cases involving hot pursuit or the investigation of cases in the surrounding area.

1. FUELING VEHICLES

Patrol members will fuel their vehicles when necessary to ensure the vehicle has adequate fuel for their shift. A minimum of three-quarters of a tank of fuel shall be left in the vehicle at the end of the officer's shift. Heavy call load and reports that prevent an officer from fueling a patrol car during shift would be an exception. Officers will not fuel cars when doing so would result in additional overtime.

Department members are required to input their DPSST number and the current vehicle mileage into the key lock gas pump system when refueling Department vehicles. In the case of a missing gas card or unusual situation where the gas card for one unit must be used to fuel another Department vehicle, the officer with the fuel card shall make an MDT/EIS status update to document which fuel card was used to fuel which vehicle and how much fuel was purchased. EXAMPLE: *"Shop 6 fuel card used, six gal for shop 7"* An email should be sent to the Captain explaining the situation.

2. RESPONSIBILITY FOR REPORTING COLLISIONS

Members of the Department involved in traffic collisions, or any non-collision incident that results in damage to their assigned vehicles, shall immediately report all such incidents to their supervisor and submit the necessary written reports.

3. VEHICLE SECURITY

- Officers will take reasonable steps to ensure Department vehicles are secure.
- Vehicles that are outside the officer's sight (and not in the garage) will be kept locked.
- When a vehicle needs to be kept running while an officer is away, Secure Park will be activated.
- Vehicle keys will be kept in a designated area in the building, which will be kept locked.

4. SEAT BELTS

A member using a City vehicle equipped with a seat belt shall use the belt while the vehicle is in motion.

5. OPERATION OF CITY VEHICLES

A member shall operate a City vehicle at all times in a lawful manner.

6. VEHICLE APPEARANCE

Members shall be responsible for keeping vehicles clean. Any personal items and trash shall be removed prior to the end of the officer's shift.

SECTION 5 – EMERGENCY VEHICLE OPERATION

All calls are assumed to be routine unless otherwise notified, and response shall be without the use of siren, emergency lights, or excessive speed and will be accomplished without unnecessary delay. If responding to an emergency, lights and siren shall normally be used.

1. EMERGENCY RESPONSES

- Emergency response is used for pursuing a vehicle where the danger to life is present, or the threat of death or serious injury could be involved.
- The vehicle operator may exceed the designated speed as long as persons or property are not endangered and emergency lights are in operation. See ORS 820.300 (1) (c) and ORS 820.320
- Members may proceed past a red signal or stop sign without stopping, but must slow down as may be necessary for safe operation. Members must be utilizing emergency lights and siren unless such operation of the siren will interfere with the apprehension of the suspect. See ORS 820.300 (1) (b) and ORS 820.320 (1) (c)
- Members may NOT proceed past a school bus if the bus stop sign is out or if the bus red lights are flashing without first stopping and ensuring that all children are clear and it is safe to proceed.
- Operating an emergency vehicle does not relieve the driver of the duty to drive with due regard to the safety of all persons. (See ORS 820.300)
- Statutes exempting emergency vehicles from certain traffic laws are not a defense for criminal negligence or reckless conduct. (See ORS 820.300(2)b)

Members shall respond to an officer in peril as an emergency response unless, because of distance and an adequate number of responding units closer to the scene, an emergency response would create an unwarranted risk.

Compliance with statutory requirements for emergency operations is required in order to reduce the risk of harm to the public and officers engaged in emergency response driving or pursuits.

CHAPTER 13 – VEHICLE PURSUITS

SECTION 1 – VEHICLE PURSUITS

Vehicle pursuits expose innocent citizens, law enforcement officers, and fleeing violators to the risk of serious injury or death. The purpose of this Policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this Policy is to minimize the potential for pursuit-related collisions. Vehicle pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicle pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit because of the risk involved. This includes circumstances where Department Policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuit situations are not always predictable, and decisions made pursuant to this Policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. The officer's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

POLICE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed driving or other evasive tactics such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

SECTION 2 – OFFICER RESPONSIBILITIES

While engaging in a vehicle pursuit, officers must drive with due regard for the safety of all other persons. However, while engaging in a vehicle pursuit, officers are generally not required to follow the rules of the road (ORS 820.300). This exemption only applies to emergency vehicles using emergency lights and sirens (ORS 820.300; ORS 820.320). The following Policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons as required by ORS 820.300(2).

1. WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle. The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- Seriousness of the known or reasonably suspected crime and its relationship to community safety

- The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others
- Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety)
- The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time
- Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic, and the speed of the pursuit relative to these factors
- Pursuing officer's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit
- Weather, traffic, and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect
- Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit
- The emergency equipment on the vehicles used in the pursuit
- Vehicle speeds
- Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages)

Pursuits shall not be undertaken with a prisoner(s) or civilian(s) in the police vehicle unless authorized by a supervisor.

2. WHEN TO TERMINATE A PURSUIT

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

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

NOTE: Any officer/deputy from this jurisdiction or another jurisdiction may terminate a pursuit at any time.

In addition to the factors listed in the WHEN TO TERMINATE A PURSUIT subsection of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

- Distance between the pursuing officers and the fleeing vehicles is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance

- Pursued vehicle's location is no longer definitely known
- Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive
- Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged
- Hazards to uninvolved bystanders or motorists
- If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- Directed by a supervisor

SECTION 3 – PURSUIT UNITS

Pursuit units should be limited to three vehicles from this Department (two vehicles if other Oregon agencies are also involved in the pursuit); however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspects. All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

At least one patrol unit shall remain within the City limits at all times.

1. VEHICLES WITHOUT OVERHEAD LIGHT BARS

Absent a reasonable alternative, and then only when human life is in immediate danger, Department vehicles not equipped with emergency lights and a siren are prohibited from initiating or joining in any pursuit.

Officers driving units without an overhead light bar may terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles. The exemptions provided by ORS 820.300 do not apply to officers using vehicles which do not qualify as emergency vehicles under ORS 801.260.

2. PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit, and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to himself or herself or other persons.

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

- Reason for the pursuit
- Location and direction of travel

- Speed of the fleeing vehicle
- Description of the fleeing vehicle and license number, if known
- Number of known occupants
- The identity or description of the known occupants
- Information concerning the use of firearms, threat of force, injuries, hostages, or other unusual hazards

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

3. SECOND UNIT RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

- Immediately notifying the dispatcher of entry into the pursuit
- Remaining a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit
- Broadcasting the progress of the pursuit unless the situation indicates otherwise

4. THIRD UNIT RESPONSIBILITIES

- Immediately notifying the dispatcher of entry into the pursuit
- Remaining a safe distance behind the secondary unit unless directed otherwise
- Ceasing involvement in the pursuit if additional agencies have joined

5. SHIFT SERGEANT/SUPERVISOR RESPONSIBILITY

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

The Shift Sergeant of the officer initiating the pursuit or, if unavailable, the nearest supervisor will be responsible for the following:

- Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Department guidelines
- Directing that the pursuit be terminated if, in his or her judgment, it is unjustified to continue the pursuit under the guidelines of this policy
- Engaging in the pursuit, when appropriate, to provide on-scene supervision

- Exercising management and control of the pursuit even if not engaged in it
- Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this Policy
- Ensuring that the proper radio channel is being used
- Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency
- Control and manage The Dalles Police units when a pursuit enters another jurisdiction
- Preparing post-pursuit debrief and analysis of the pursuit for training purposes

Upon becoming aware that a pursuit has been initiated, the Shift Sergeant should monitor and continually assess the situation, and ensure the pursuit is conducted within the guidelines and requirements of this Policy. The Shift Sergeant has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command. The Shift Sergeant shall review all pertinent reports for content and forward to the Captain.

SECTION 4 – PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- Because intersections can present increased risks, the following tactics should be considered:
 - Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - Pursuing units should exercise due caution when proceeding through controlled intersections.
- As a general rule, officers shall not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:
 - Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - Requesting other units to observe exits available to the suspects.
- Notifying the Oregon State Police and/or other jurisdictional agencies when it appears the pursuit may enter that jurisdiction
- Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

1. TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers who are not the primary, secondary, or third unit should not become directly involved, during or at the termination of the pursuit, unless directed by a supervisor.

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

The primary, secondary, and third units should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

2. PURSUIT TRAILING

In the event the initiating unit from this Department relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance in the arrest of the suspect(s).

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

SECTION 5 – COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor. If the pursuit leaves the jurisdiction of this Department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

Dispatch will ensure that a supervisor is notified of the pursuit. Dispatch will attempt to assist the pursuing officers by repeating critical information for clarity such as the reason for the pursuit, location of the pursued vehicle, speeds, traffic conditions, and driving behavior so that the sworn supervisor can make an accurate assessment of the vehicle pursuit and officers can make decisions about how to best manage the incident. Dispatch is bound by their agency’s policies, rules, procedures, and training.

LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

SECTION 6 – INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

1. PURSUIT INTO ANOTHER STATE

Members shall adhere to the “uniform act on fresh pursuit” as defined in ORS 133.410 through 133.440.

- When pursuing a person who has, or is suspected of having, committed a felony, the person may be taken into custody in any state adjoining Oregon. Any person arrested under this act shall be immediately taken before a magistrate of the county in which the arrest is made.
- When pursuing a vehicle under the provisions of the Fresh Pursuit Act, the pursuing officer shall relinquish control of the pursuit to the state and/or local agency with jurisdiction in that area. Officers shall disengage from the pursuit unless assistance is requested.
- The Fresh Pursuit Act is only applicable to pursuits that involve persons who have committed, or are suspected of having committed, a felony within Oregon. Attempting to elude in a motor vehicle is a felony under Oregon law; however, officers shall not pursue under the authority of the Fresh Pursuit Act based only on the crime of attempting to elude.
- When pursuing a vehicle because of a misdemeanor violation to a place outside the limits of the City of The Dalles:
 - If apprehended in the state of Oregon, cite or arrest as detailed in the procedure covering issuance of traffic citations.
 - If the suspect is fleeing the state, the member shall:
 - Request the radio dispatcher give facts of the pursuit to the appropriate law enforcement agencies of the other state.
 - Discontinue active pursuit at the border; however, members may proceed at legal speed to a point where the other state’s authorities have apprehended the suspect.
 - Upon arrival at the scene, obtain all necessary identification information and request the officer of jurisdiction to deliver the appropriate citation.

2. ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and the assistance of this Department is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit initiated by this Department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit. Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

3. PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this Department should not join a pursuit unless specifically requested to do so by the agency whose officers

are in pursuit, or if the pursuing officer is alone. Under this circumstance, units from this Department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this Department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider the following additional factors:

- Ability to maintain the pursuit
- Circumstances serious enough to continue the pursuit
- Adequate staffing to continue the pursuit
- The public's safety within this jurisdiction
- Safety of the pursuing officers

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

Officers of this Department will terminate involvement in the pursuit at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this Department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to the officers from the originating agency including, but not limited to, scene control, coordination, and completion of supplemental reports and any other assistance requested or needed.

SECTION 7 – PURSUIT INTERVENTION

Pursuit Intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, Pursuit Intervention Technique (PIT), ramming, or roadblock procedures. In this context, "ramming" shall be construed to mean intentionally maneuvering the police unit into contact with the pursued vehicle to mechanically disable it or forcibly position it such that further flight is not possible or practical.

1. WHEN USE AUTHORIZED

In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers, and persons in or on the pursued vehicle. With these risks in mind, the decision of The Dalles Police Department to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

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

2. DEFINITIONS

Ramming – The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop

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

3. USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic, and involves all the dangers associated with discharging firearms. Officers shall not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon. Firing at a moving vehicle shall constitute the use of deadly physical force.

4. INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Officers who have not received certified Department training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed. Officers engaging in pursuit intervention techniques shall have been trained in the use of the technique at least once and in no case shall the technique be used over 35 miles per hour. Ramming is not included in this requirement due to the impracticality of practicing it.

Ramming

Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method.

This Policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, the following factors must be present:

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

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

Spike Strip

The deployment or attempted deployment of a spike strip device on a moving vehicle is considered a use of force. An officer who uses or attempts to use a spike strip during a pursuit must forward a use of force report to his supervisor in accordance with Department guidelines. A case number shall be taken and a crime report written which shall detail any person injured or property damage resulting from the use of the spike strip.

- The officer must receive the designated training for deployment of the spike strip prior to its use.
- The officer deploying the spike strip must advise pursuing vehicles, by radio, that a spike strip will be used and where the device will be used.
- Individual officers are authorized to make the decision to deploy spike strips during pursuits. Spike strips may be used to contain parked vehicles being used by a suspect from fleeing a scene if significant charges are involved and the potential for a high-speed chase exists. The senior officer in charge of the incident will make the decision for spike strip use in such instances. Examples of such incidents are high risk drug raids and barricade situations.

5. PROHIBITIONS IN THE USE OF SPIKE STRIPS

- Spike strips shall not be used to terminate pursuits involving motorcycles or vehicles transporting hazardous materials.
- Spike strips shall not be used at locations such as curves where the safety of civilian traffic cannot be ensured.
- Spike strip deployment shall not be made at locations where the deploying officer's safety is compromised.
- Requests by outside agencies for the use or deployment of spike strips will be at the discretion of the on-duty officers and must never conflict with Department policy.

6. CONSIDERATION IN THE OPERATIONAL USE OF SPIKE STRIPS

- The use and deployment of spike strips shall be in accordance with training guidelines.
- Whenever possible, when deploying spike strips, officers should position themselves behind guardrails or other fixed objects to maximize their personal safety. Remember, officer safety is the priority.
- An officer shall remain outside his/her police vehicle when deploying spike strips.
- Remove the spike strip immediately after it has been run over to allow police vehicles to proceed.
- The damaged section of the spike strip used in a pursuit is evidence and shall be retained in accordance with Department guidelines.
- Damaged sections of spike strips shall be replaced as soon as possible by a supervisor.

SECTION 8 – CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

SECTION 9 – REPORTING REQUIREMENTS

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

- The primary officer shall complete appropriate crime/arrest reports.
- A Patrol Sergeant or supervisor shall complete a report summarizing the pursuit to his/her Department manager to evaluate the pursuit in terms of Department policy. The memo shall minimally contain the following information:
 - Date and time of pursuit
 - Length of pursuit
 - Involved units and officers
 - Initial reason for pursuit
 - Starting and termination points
 - Disposition: arrest, citation, etc. Arrestee information should be provided, if applicable
 - Injuries and/or property damage
 - Medical treatment
 - Name of supervisor at scene
 - A preliminary determination, simply stating whether or not the pursuit appears to be in compliance with this policy
 - Determine the need for any additional review and/or follow up

SECTION 10 – REGULAR AND PERIODIC PURSUIT TRAINING/REVIEW

In addition to initial and supplementary training on pursuits, all sworn members of this Department will participate no less than annually in regular and periodic Department training addressing this Policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

Emergency vehicles operations training is onerous, expensive, and complex to coordinate but has high value to police operations. This training requirement will be addressed in the annual training plan to be developed by the Administrative Sergeant.

1. POLICY REVIEW

Each member of this Department shall certify in writing that they have received, read, and understood this Policy initially and upon any amendments.

2. ANNUAL REVIEW

During the first calendar quarter of each year, the Captain will ensure that an annual review of all vehicle pursuit incidents for the previous calendar year is conducted. The analysis will focus on the effectiveness

and trends in the use of vehicle pursuits that might suggest training or equipment needs, or Policy modification. The review will also examine Policy compliance and any personnel issues surrounding this topic. Specific details including items such as officer names, case numbers, and location of occurrence are not needed for this purpose and therefore will not be part of this process.

CHAPTER 14 – BODY-WORN CAMERA/MOBILE VIDEO

SECTION 1 – BODY-WORN CAMERA USE

This Policy is intended to guide and instruct officers while wearing body-worn cameras (BWC) or using in-car audio/video recorders in order for officers to properly and reliably record their contacts with members of the public while the officers are on duty. This policy pertains to any recording device capable of recording audio or video.

The Department recognizes that the images and video captured cannot always show the full story, environmental conditions, surrounding situation, entire scene, and exactly what each officer assesses and analyzes while making contact with citizens at a call for service or officer-initiated contact.

BWCs provide Departments with additional information and act as investigative tools to collect evidence, and also document public and police encounters to ensure honesty, trust, and integrity.

The use of BWCs is intended to enhance the mission of the Department by accurately capturing contacts between officers of the Department and the public.

1. ORS 133.741 REFERENCE

- A law enforcement agency shall establish policies and procedures for the use, storage, and retention of video and audio recordings resulting from the operation of video cameras worn upon a law enforcement officer's person that record the officer's interactions with members of the public while the officer is on duty.
- The policies and procedures must include:
 - A requirement that a recording be retained for at least 180 days but no more than 30 months for a recording not related to a court proceeding or ongoing criminal investigation, or for the same period of time that evidence is retained in the normal course of the court's business for a recording related to a court proceeding.
 - A requirement that a camera worn upon a law enforcement officer's person be set to record continuously, beginning when the officer develops reasonable suspicion or probable cause to believe that a crime or violation has occurred, is occurring, or will occur and the law enforcement officer begins to make contact with the person suspected of committing the offense. The policies and procedures must also require that the camera may subsequently cease recording no sooner than the termination of the officer's participation in the contact.
 - A requirement that in any contract with a third-party vendor for data storage, recordings from the camera are the property of the law enforcement agency, are not owned by the vendor, and cannot be used by the vendor for any purpose inconsistent with the policies and procedures of the law enforcement agency.
 - A prohibition on the use of facial recognition or other biometric matching technology to analyze recordings obtained using the camera.
 - A prohibition on the use of any recordings obtained from the camera for any purpose other than a legitimate law enforcement purpose.

- A law enforcement agency may, in its policies and procedures, provide for exceptions to the recording requirements stated above, provided that the exceptions are based on reasonable privacy concerns, exigent circumstances, or the safety of law enforcement officers or other persons.

NOTE: Recordings done by digital audio recorder and images captured with digital cameras do not fall under ORS 133.741 as they are not video cameras worn upon the officer's person. These types of recordings will be retained on The Dalles Police Department in-house server and destroyed or purged after the case has been adjudicated and through an evidence destruction order obtained from the District Attorney's Office.

2. ORS 165.540 (5)(d)(B)

Requires the officer to advise at the beginning of an interaction and recording with a BWC that the conversation is being recorded, unless the announcement cannot be made without jeopardizing officer safety or the safety of any other person, or impairing a criminal investigation.

3. ORS 192.345 (40)

When a recording from a body-worn camera is subject to disclosure, the following apply:

- Recordings that have been sealed in a court's record of a court proceeding or otherwise ordered by a court not to be disclosed may not be disclosed.
- A request for disclosure under this subsection must identify the approximate date and time of an incident for which the recordings are requested and be reasonably tailored to include only that material for which a clear public interest requires disclosure.
- A video recording disclosed under this subsection must, prior to disclosure, be edited in a manner that all CJIS-protected information is redacted and render the faces of all persons entitled to protection within the recording unidentifiable.

SECTION 2 – POLICY

It is the Policy of The Dalles Police Department that officers shall activate BWCs when such use is appropriate to ensure proper performance of their duties; where the recordings, images, and audio are consistent with this Policy; and applicable law. Officers are not expected to jeopardize the safety of themselves or any other person in order to comply with the provisions of this Policy. This Policy is not intended to describe every situation and scenario in which a BWC should be used, although there are many in which an officer shall use his or her discretion in activating.

It is the Policy of The Dalles Police Department that BWCs are mandatory for any officer working in a patrol capacity.

1. ACTIVATION OF BWC

Officers shall activate their assigned BWCs when they deem it necessary in a situation where its use is appropriate as informed by subsection 2 below. Once making contact, officers must inform all parties that the conversation is being recorded, unless, pursuant to a court order or the limited exceptions in ORS 165.540 subsections (2) through (7), and ORS 133.726 (prostitution offenses, felonies when exigency makes obtaining a warrant unreasonable, certain felony drug offenses, and felonies that endanger human life (ORS 165.540)). Officers should remain sensitive to the dignity of all individuals being recorded, and exercise

sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the officer that such privacy concerns may outweigh any legitimate law enforcement interest in recording.

2. PROCEDURE

The BWC will be activated, if possible, in the following situations:

- Prior to initiating contact with any person for whom the officer has reasonable suspicion has committed, is committing, or will commit a crime, a traffic offense, or a violation of a city ordinance
- Any incident when the officer anticipates the use of force
- A situation where the recording could help de-escalate the incident
- Situations where there is a potential of a complaint against the Department or the officer
- Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- At the direction of a supervisor
- Any time the officer believes it would be appropriate or valuable to record the situation
- In-car video will be recording any time a person is seated and/or transported in the back seat of a marked patrol vehicle.
- Per House Bill 3261, the custodial interview of any person under the age of 18 if this person is a suspect in a misdemeanor or felony crime. "Custodial interview" is defined as: An interview in which the person questioned is in custody and is required to be advised of the person's constitutional rights.

Prior to using a body-worn camera, officers shall receive Department-approved training on the proper operation and care and the Department's Policy with respect to the use of the BWC.

Additional training shall be provided at periodic intervals to ensure the continued effective use of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policies or equipment.

BWCs shall be used with reasonable care to ensure proper operation. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be assigned. Officers shall inspect and test body-worn cameras prior to each shift to verify proper functioning, and shall notify their supervisor of any problems. In the event that a BWC is lost, upon discovery of the loss, the officer shall immediately notify his or her supervisor.

Officers shall wear their BWC at or above chest level and in a position designed to produce an effective recording.

Officers assigned a BWC may use the camera at all Department-related employment activities, but only in connection with their Department duties. When practical, officers shall download all recordings at the end of their on-duty work shift.

NOTE: Downloading to the cloud is done through either wireless transfer or from a hard-wired docking station within the Police Department. If there is a maintenance issue with the download, the officer is to dock the BWC and the download will be completed upon equipment repair.

In any incident where a case number is generated, the existence of all recordings, to include BWC, in-car camera, digital photographs, and other digital recordings, shall be documented in the report property field. All recordings at an incident where a case number is generated will be identified with the officer's name in the property field. It is the responsibility of the case officer to ensure all digital evidence is entered in the property field of the report prior to submission. All officers present at an incident where a case number is generated are responsible for labeling their assigned videos as described below.

When a citation is issued, the officer shall make a notation on the back of the Records copy of the citation indicating that the incident was recorded.

To maintain the most efficient chain of custody of recordings, the officer shall not make an outside recording on disk or other recording device of any recorded incidents unless the recording is to be used for official business.

Officers are prohibited from using Department-issued portable recorders, BWCs, and other recording media for personal use, and are prohibited from making personal copies of recordings. Oregon law generally prohibits any individual from surreptitiously recording any conversation, except as provided in ORS 165.540 and ORS 165.543.

When ending a call or a citizen encounter where the BWC was activated, the officer shall choose one of four categories when prompted by the camera system. These categories are as follows:

- **Case number** – This tag will be used any time a case number is taken to include traffic stops and field interviews that turn into a criminal investigation requiring a case number be issued. These tags will automatically be purged in 30 months if not related to either a court proceeding or ongoing criminal investigation.
- **Traffic Stop** – This tag will be used after clearing any traffic stop not requiring a case number be taken. This tag will be used for any traffic citations or warnings. These tags will be retained for one year and then purged automatically.
- **Log Entry** – This tag will be used any time the BWC is activated and does not fit into the above listed categories. These tags will be retained for 180 days and then will automatically be purged.
- **Test/Equipment Check** – These tags will be used when testing equipment operation. These tags will be retained for 180 days and then purged automatically.

NOTE: It is recognized that call load and timing can cause an officer to clear a scene without tagging the event at the scene. Tagging events do not have to occur at the time of call clearance. Tagging can be done once back at the Department and prior to the end of shift by logging into the digital evidence storage program. WatchGuard allows the tagging of events while videos are in the process of uploading.

3. CESSATION OF RECORDING

Once activated, officers shall keep their BWC recording until they have cleared the situation and their direct participation of the situation has concluded, for tactical or safety reasons, or the encounter no longer holds evidentiary or investigative value.

A conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and/or released to corrections officers, and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Officers may turn off BWCs to confer with other officers, deputies, troopers, supervisors, labor representatives, ministers, peer counselors, or district attorneys. Officers will use reasonable judgment in determining when to deactivate the BWC. However, the in-car camera system will stay activated if an arrestee or other citizen is in the back seat of the patrol vehicle.

Static situations may change rapidly and officers need to recognize it may be necessary to re-activate their body-worn cameras if the body-worn cameras have been deactivated. Example: Officers are assigned to an outer perimeter position with their cameras turned off. If a suspect exits the residence to either surrender or to run from the police, the BWCs shall be turned on.

SECTION 3 – STORAGE OF BWC DATA

All files shall be securely downloaded periodically, and no later than the end of each shift. Each file shall contain information related to the incident date, BWC identifier, and assigned officer.

All images and sounds recorded by the BWC are the exclusive property of The Dalles Police Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

All access to BWC files from non-Department members must be specifically authorized by the Chief of Police or the officer next in command; and, all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

Files will be securely stored in accordance with Oregon Revised Statute 131.125 and City of The Dalles retention rules. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.

SECTION 4 – SUPERVISOR RESPONSIBILITIES

Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with Policy and procedures.

Supervisors shall randomly review BWC recordings:

- To ensure that the equipment is operating properly.
- To ensure officers are using the devices appropriately.
- To ensure officers are in accordance with Policy.
- To identify any areas in which additional training or guidance may be useful.

SECTION 5 – REVIEW OF RECORDINGS

When preparing written reports, officers should review their recordings as a resource. Officers shall not retain personal copies of recordings. Officers should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing the officer's performance.

Recorded files may also be reviewed:

- By any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, criminal investigation, and daily briefings.
- Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- By media personnel with permission of the Chief of Police or authorized designee.
- In compliance with a public records request, if permitted, and in accordance with the records maintenance and release policy.

All recordings should be reviewed by the Custodian of Records prior to public release. Custodian of Records is defined as The Dalles Police Department Evidence Technician.

Recordings that unreasonably violate a person's (living or deceased) privacy or sense of dignity should not be publicly released unless disclosure is required by law or court order.

Public requests for recordings shall be granted pursuant to Public Records Law and applicable redaction is required.

SECTION 6 – CITIZEN RECORDINGS

By the very nature of this job, officers will often be recorded by citizens or the media. Officers shall expect and be tolerant of this behavior and take no steps to prevent others from recording their activities that occur in public. Officers may prevent citizens or the media from entering crime scenes or tactical operations to record. Officers should comport themselves with patience and professionalism at all times and be reminded that persons recording their behavior may taunt, belittle, or otherwise attempt to elicit a response from the officers for their recording.

CHAPTER 15 – REPORTS

SECTION 1 – REPORTS

Members shall submit all reports which are required of them promptly, correctly, and as completely as possible using the Department-approved Report Management System (RMS). Officers will log into the RMS and enter as much fielded information as possible (i.e., address, descriptions, phone numbers, dates of birth, and other details pertaining to the case). Care should be taken to not create more than one master record in the system, and to update or add to existing records rather than to create duplicates. When fielded data is complete, officers will attach a narrative that clearly and succinctly details who did what, where it occurred, when the event took place, and any details that add clarity and explain the events at issue. Opinions and speculation are generally not appropriate content for police reports, but facts should be provided as well as witness statements and explanations of evidence.

Members will manage on-duty time in such a way as to minimize the use of overtime.

All police reports where an arrest has been made will be completed before the officer goes home. A supervisor may grant an exception, provided that sufficient information has been provided to the prosecutor for a complaint such as a probable cause statement.

If an officer takes a report in which no arrest has been made, but pertinent information is known and needed for the following shifts, a draft copy containing the pertinent information shall be written before the officer goes off duty. Examples are: stolen vehicle, assaults, domestic violence crimes, or person crimes where there is probable cause to arrest, but the suspect has not yet been located. Pertinent information will be the elements of the crime, victim information, suspect information, and location of any evidence such as photographs, recordings, or seized items.

All police reports will be completed before an officer leaves for his or her normal days off or for a vacation. In the event circumstances make this unusually difficult, a supervisor may grant an exception.

Completed reports shall be delivered to the officer's supervisor for review and distribution. Reports can be submitted in paper form or via an electronic workflow process available in the RMS. Necessary corrections will be routed back to the officer with an explanation or notation of the issue. Once corrected, reports will be sent back up the chain of command for review and distribution.

SECTION 2 – INVESTIGATIVE ERROR OR OMISSIONS

Officers shall not describe errors or omissions in procedure by other officers or any unit of the Department in their crime investigation reports.

Members wishing to offer constructive criticism, or point out investigative or procedural omissions, shall do so by describing the error or omission in a memorandum, and forwarding the memorandum to the officer's immediate supervisor. The supervisor shall then take appropriate action necessary to correct or rectify the error or omission.

SECTION 3 – COMPLAINTS IN CRIMINAL CASES

This Policy is intended to assure completeness of cases so that issuance of criminal complaints may be more readily obtained from the District and City Attorney's Offices.

Before submitting a case for a criminal complaint:

- The incident must be fully investigated and reported.
- Each criminal case file shall be completed and shall contain one complete copy of all investigative reports for each defendant in all cases.

If timing requires, a draft copy of the report may be submitted. In this case the report will be marked with a "DRAFT" stamp.

All materials shall be arranged in chronological order in the criminal case file with the original report of the incident uppermost, and supplementary reports followed in sequence.

The criminal case file shall be reviewed by a supervisor, who shall review and initial the bottom of the report.

A copy of all criminal case files shall be submitted to the Detective Sergeant by 0800 of the day of arraignment for in-custody cases.

In cases where there has been a citation issued in-lieu of arrest, the prosecutor's copy shall be placed in the case file.

In cases involving forged instruments, a copy of the document must also be placed in the case file if the original document is in evidence.

CHAPTER 16 – USE OF FORCE AND REPORTING USE OF FORCE

SECTION 1 – GENERAL

Members shall not use physical force against another person except when it is reasonable and necessary to overcome resistance while effecting an arrest, preventing an escape, restricting the movement of a prisoner, or in self-defense or defense of another person from physical harm.

Members shall employ only that amount of physical force absolutely necessary to overcome resistance in accordance with this Policy, in addition to county, state, and federal statutes. The mistreatment of persons and unnecessary use of force is prohibited.

1. RENDERING AID

When any person has sustained visible injury by a use of force, is exhibiting signs of physical distress, expresses a complaint of injury or continuing pain, or was rendered unconscious after a use of force encounter, as soon as it is safe to do so, officers will summon medical aid and/or provide first aid as needed.

2. TERMINATION OF USE OF FORCE

When it is objectionably reasonable that a subject is fully in law enforcement's control, then use of force must be terminated.

3. AUTHORIZATION FOR THE DISCHARGE OF FIREARMS

An officer is authorized to fire a weapon at a person, or use other means of deadly physical force, when there is no reasonable alternative and the officer is acting in accordance with the Oregon Revised Statutes 161.190 - 161.265 on "Justification":

- When all other alternatives of apprehension have been exhausted in those cases where the suspect is using or is about to use deadly physical force upon the officer or another person.
- To effect an arrest, when officers reasonably believe such use of deadly force is immediately necessary to effect the arrest, and they also have knowledge at the moment they fire that the person to be arrested has committed or attempted to commit a felony involving an actual or threatened attack which could result in death or serious bodily injury.

An officer is further authorized to discharge a firearm in the course of his or her duties under the following circumstances:

- To kill a dangerous animal or to kill an animal so badly injured that it should be destroyed to prevent further suffering (Refer to Chapter 35, Section 3.2 – Euthanizing an Injured Animal)
- At a firing range pursuant to all safety rules and regulations

Nothing in the above shall justify reckless or criminally negligent conduct which amounts to an offense against innocent persons whom the officer is not seeking to arrest or detain in custody.

Every possible consideration should be taken prior to the use of a firearm and, if an officer believes that under the existing conditions he or she should not use a firearm, he or she will not be criticized or disciplined for this decision and his or her decision to employ all other means to affect an arrest.

4. UNAUTHORIZED USE OF FIREARMS

Officers are prohibited from discharging or using firearms at a moving automobile or from a moving automobile unless the occupant(s) of the automobile or a suspect(s) represents a direct threat to the life and/or safety of the officer or other innocent persons, and then only as a last resort when it can be accomplished safely.

Discharging a firearm at a motor vehicle is the employment of deadly physical force; therefore, it must meet the same requirements for the deployment of deadly physical force.

Officers are prohibited from discharging or using firearms in the following instances:

- The discharge or display of a firearm by a member is a violation of law or of Department policy
- The discharge or display of a firearm by a member when it appears that an innocent person might be injured and the officer had reasonable notice of this circumstance
- The discharge or display of a firearm by a member using poor judgment involving wanton disregard of public safety
- The discharge or display of a firearm by a member involving misconduct, or accidental discharge through carelessness or recklessness
- Dry firing in any area open to the public view
- Warning shots are prohibited
- There shall be no unnecessary brandishing, public displaying, or manipulating of firearms at any time.

SECTION 2 – DISCHARGE OF A FIREARM

Whether on duty or off duty, immediately following the discharge of a firearm, it will be the responsibility of the member or members involved to notify their immediate supervisor, except in the following circumstances:

- Target practice
- Sporting events, hunting, and organized shooting matches
- Test firing for weapons repair or maintenance purposes

INVESTIGATION OF INCIDENTS INVOLVING THE DISCHARGE OF FIREARMS

After any discharge of an officer's firearm is reported to a supervisor, the supervisor will respond to the scene. The supervisor will, as soon as possible and if necessary, notify the Detective Sergeant and the Chief of Police.

A complete written report of the incident shall be submitted by all members involved. If an investigator is assigned by the Chief of Police, the investigator shall submit a written report of the investigation to the Captain.

NOTE: In the event of an officer-involved shooting of a person, the involved member does not prepare a police report. See Chapter 38 – Officer-Involved Shooting, Use of Deadly Force.

SECTION 3 – REPORTING USE OF FORCE

A system of reporting use of force incidents and the related hazards and risks faced by police officers is necessary for the efficient operation of a police agency. Such reports provide data on the nature and frequency of hazards faced by officers, and provide a means to ensure the circumstances and suspect actions which made use of force necessary are properly documented. This will also ensure any training needs are identified and any unjustified or unlawful use of force will be discovered and dealt with appropriately.

A uniform template for Use of Force Reports will be approved by the Chief of Police and made available to all members. Use of Force Reports will be submitted by completing this form, which also has a provision for supervisor review, comments and recommendations for correction or training. The Department uses specialized software to track use of force. All officers will be trained on how to use this software for all use of force reporting.

THE USE OF FORCE REPORT IS TO BE SUBMITTED ONLY TO A SUPERVISOR. NO OTHER COPIES ARE TO BE MADE, PLACED IN A CASE FILE, OR DISTRIBUTED BY ANY OTHER MEANS.

Writing the Use of Force Report does not relieve the officer from putting all facts, suspect actions, and reasons justifying the officer's actions in the police report.

1. CRITERIA REQUIRING THE USE OF FORCE REPORT

The Use of Force Report is required in addition to any other reports whenever any of the following have occurred:

- Pointing a firearm at a person, or any discharge of a firearm (except to euthanize an animal)
- Baton strikes
- Use of a chemical agent, including aerosol oleoresin capsaicin
- Use of a Taser, including drive stuns
- When a punch or blow is struck whether by hand, baton, or any other object
- When a control hold is used or physical force beyond normal handcuffing is used
- When a person is taken to the ground
- When a person suffers a cut, bruise, or any other injury as the result of an officer's actions

- When a person claims to be in pain or to have been injured by an officer, regardless if an injury is visible

NOTE: A restraint technique (commonly known as “chokehold”) intended to restrict a subject’s ability to breathe or to restrict blood flow to the subject’s head or brain by application of pressure to the subject’s neck can create a risk of serious physical injury or death. Such techniques can be considered deadly force, and deadly force may only be used when there is no alternative lesser force, and when the suspect’s actions pose risk of death or serious injury. Chokeholds will not be used except in situations where the use of deadly force is allowed by law.

Routine handcuffing or restraining a person, absent the above criteria, does not require a Use of Force Report.

Use of Force Reports must be submitted for any occasion on or off duty in which an employee of the Department uses force while acting in an official capacity.

When use of force by police only involves damage to property, such as breaking of a door or deploying spike strips, the circumstances justifying this action will be documented in a police report and a Use of Force Report is not required.

If any member has a doubt as to whether a Use of Force Report is necessary, he or she shall contact his or her immediate supervisor for advice, and note his or her supervisor's opinion in the incident report.

2. WHEN FORCE IS USED

- Any member who has used force which requires a Use of Force Report will notify a supervisor as soon as possible. If no supervisor is on duty, notification will be made to an off-duty supervisor. Notification will always be made before the end of shift.
- The member using force will submit a detailed account of the use of force to the officer’s immediate supervisor on a Use of Force Report. The Use of Force Report will be completed by the end of shift, unless the supervisor directs otherwise.

3. DUTIES OF THE INVESTIGATING SUPERVISOR

The supervisor will investigate the circumstances requiring the use of force to determine if the use of force was reasonable, justified, lawful, and within policy. Supervisors should go to the scene of the use of force and begin the investigation immediately. The investigation should include recorded interviews with the subject, review of police reports, review of video footage, audio recordings, photographs, and witness interviews.

The supervisor will prepare documentation of the review of the use of force, and the supervisor’s determination, for attachment to the member’s Use of Force Report.

If the supervisor determines that it appears a member may have used unnecessary, excessive, or unlawful force, the supervisor will initiate a disciplinary investigation and/or request a criminal investigation from an outside agency. The supervisor shall consider the nature of the incident in determining if the involved member shall be placed on administrative leave until the investigation is concluded. Administrative leave is a routine part of a deadly force investigation and is not a disciplinary action or an indication that the member is suspected of wrongdoing. All pay and benefits continue during administrative leave.

If the supervisor's review determines the use of force by the member was necessary and reasonable, and within policy and lawful, the supervisor shall forward the original Use of Force Report along with the documentation of the supervisor's review to the Captain. The Captain shall review the documents, and if the Captain concurs with the supervisor's determination, the Captain will indicate so on the Use of Force Report and forward the Report and review documents to the Chief of Police. All uses of force will be thoroughly investigated and reviewed, without exception.

4. DISPOSITION OF USE OF FORCE REPORTS

If the use of force is determined to be justified, the Captain will close out the report in the reporting software and the report will be stored locally in the use of force management software. Serious use of force incidents shall be reported to the National Use of Force Database per HB 2932 (2021). Serious use of force includes use of force that results in death or serious physical injury. Serious physical injury includes protracted disfigurement, impairment of health or protracted impairment of the function of any bodily organ, or loss of consciousness.

If the Chief of Police or Captain believes the use of force may not be justified, the Chief may direct further information to be gathered, either by a supervisor or by an outside agency. The Chief may also direct that a disciplinary investigation be conducted.

The Chief of Police may utilize Use of Force Report information for any purpose such as determining areas where training may be enhanced, early intervention, public transparency, or areas where risk to officers may be reduced.

5. ANNUAL ANALYSIS OF USE OF FORCE AND ASSESSMENT REPORT REQUIRED

Annually each February, the Captain will initiate a review of all use of force that was reported in the previous calendar year. The review will document if force was within policy and law, and identify any equipment, training, or Policy issues that need to be addressed. The report will summarize the overall number of force incidents from the previous year and break down those incidents by type (i.e., strikes or kicks, chemical irritant use, Taser deployments, deadly force, etc.). Any use of force that was deemed unjustified, or outside of Policy or law, will be particularly and individually examined and explained without naming any individual officer. Corrective action should be documented in this summary report.

6. DUTY TO INTERVENE

An officer, supervisor, or reserve officer who directly observes an unreasonable, excessive, or illegal use of force, in violation of the Department's use of force policy and/or state or federal law shall:

- Act to intervene and stop the use of force by another officer.
- Contact a supervisor as soon as is practical but no later than 72 hours later in any circumstance.

An officer who has knowledge of excessive, unreasonable, or illegal use of force against a person shall:

- Notify a supervisor.
- Submit a written memo detailing the facts and circumstances of the suspicion to a supervisor in a timely fashion.

Retaliation against any officer who intervenes against excessive use of force, reports misconduct, or cooperates in an internal investigation is prohibited.

7. HOUSE BILL 2929 (2021) PERTAINING TO POLICE OFFICER MISCONDUCT

Police and reserve officers are required to intervene when they witness another police or reserve officer (from any agency) engaging in misconduct, unless intervening would be unsafe. Failing to intervene may result in discipline, or in DPSST revoking or suspending the officer's certification.

Misconduct is defined as any of the following:

- Unjustified or excessive force that is objectively unreasonable
- Use of force that violates the Use of Force Policy of the agency employing the officer using force
- Sexual harassment or sexual misconduct
- Discrimination against a person based on race, color, religion, sex, sexual orientation, national origin, disability, or age
- A crime

In addition to the requirement to intervene, there is a requirement that a police or reserve officer who witnesses another officer engaging in misconduct must report the misconduct as soon as is practical, but no later than 72 hours after the incident. The report must be made to:

- The reporting officer's direct supervisor,
- A person in the reporting officer's chain of command, or
- DPSST (who will then forward the report to the employing LE agency).

There is also a duty to report when a police or reserve officer witnesses another officer engaging in a violation of minimum standards for physical, emotional, intellectual, or moral fitness under ORS 181A.410, and the report must be made within the same time period. DPSST will provide a form on its website for reporting a violation of these standards.

If the supervisor or other person who receives a report does not have the authority to direct an investigation into misconduct, the supervisor must forward the report to a person who can direct an investigation as soon as is practical, but no later than 72 hours after getting the report.

An agency that receives a report of misconduct must complete an investigation within 3 months, unless the circumstances do not allow it. The agency must notify DPSST of any sustained findings unless the only sustained findings are related to the violation of the physical, emotional, intellectual, or moral fitness standards.

A law enforcement agency may not take any adverse employment action against a police or reserve officer because he or she intervened in misconduct or reported misconduct.

CHAPTER 17 – INFORMATION SYSTEMS

SECTION 1 – COMPUTER, EMAIL, AND VOICEMAIL POLICY

The use of the Department’s electronic computer systems significantly enhances communication capabilities both within and outside the Department. It is important that these systems be used primarily for Department business and that misuse and/or abuse be avoided.

The City of The Dalles has developed a comprehensive policy governing the use of computer, email and voicemail systems for all City departments. The Information and Communications Systems (ICS) policy is incorporated into this manual and is adopted as the official Policy of the Police Department.

All members of the Department shall read and become familiar with the computer, email and voicemail policy.

NOTE: Access to pornographic internet sites for police investigative purposes must be authorized by a supervisor and documented in a criminal case file.

INFORMATION AND COMMUNICATIONS SYSTEMS (ICS)

I. USE OF ICS

A) *Purpose/Scope.* *The City of The Dalles (“City”) owns and provides information and communications systems for the conduct of its official business. All information and communications systems tools purchased by the City are the property of the City. Employees should have no expectation of privacy in connection with the transmission, receipt or storage of information on any of these systems. Any personally owned electronic communication devices an employee uses for City business may under certain circumstances be governed by this policy.*

This document was created to advise all users regarding the access to and the disclosure of information created, transmitted, received and stored via the use of the internet, City email, cell phones, any type of technology issued or maintained by the City, and other computer, communications and information systems (collectively referred to as the “City’s information and communications systems” or “information systems”). For purposes of this policy, a personal computer or other device personally owned by an employee which is used to access the internet by a service provided by the City is considered to be part of the City’s information and communications systems only to the extent that the device is being used for city business. The City Manager may, in some cases, authorize operations and practices that conflict with this document on a temporary basis as needed.

The City’s policy regarding the use of the City’s information systems is, among other things, intended to guide you in the performance of your duties as a City employee. It is also intended to place you on notice that you should not expect the internet, email, cell phone conversations and voicemail in your possession or those that you use from time to time, and their contents, to be confidential or private. All data, including any that is stored or printed in any form is subject to audit and review.

This policy applies regardless of the location or ownership of the equipment being

used: e.g., if an employee uses a private PC and modem connection at home, but accesses the internet via a service provided by the City; or an employee accesses the internet via service provided by the employee, but through City equipment; or an employee uses a City-provided cell phone at home. Therefore, information on personal equipment used for City business may be a public record and must not only be kept according to the City's retention schedule, but the employee's personal equipment may also be subpoenaed to verify all City information has been provided as requested.

In order to ensure this policy is complied with, the City reserves the right to monitor internet use, cell phone use, all email, and other computer transmissions, as well as any stored information, created or received by City employees with the City's information systems. All computer applications, programs, work-related information created or stored by employees on computers, cell phones, or any other device or equipment furnished by the City are City property.

Unless otherwise provided in this policy governing use of City information systems, use of City information systems for personal reasons which do not relate to personal financial gain may be allowed by a Department Head on an occasional or infrequent basis during off-hours only.

The Public Records Law (PRL), Oregon Revised Statutes Section 192.410, et seq requires the City to make all public records available for inspection and to provide copies upon request. A public record is any writing (which includes electronic documents) relating to the conduct of the public's business prepared, owned, used, or retained by the City. Although the PRL includes a number of exceptions from the disclosure requirement, any information on the City's information system may be subject to disclosure under the PRL. If there is some doubt, the employee should contact his or her Department Head or the City Attorney for advice as to whether the information is a public record.

The rest of this document addresses general City-wide internet guidelines, specific issues related to appropriate content and use of departmental pages, and employee use of the internet, email and cell phones. All departments and employees are required to follow these general guidelines. Specific departments may have unique requirements and are encouraged to develop guidelines to cover those issues. The law and associated policy regarding the use of internet, email, cell phones and voicemail are continually evolving. Accordingly, review of the policies and guidelines will occur with regularity, and changes shall be made as required.

Each Department Head is responsible for their respective employees' use of the City's information systems and for the contents of their department's communications and information presented using these media.

Nothing in this policy is intended to abridge employee's rights under state or federal laws, nor to interfere with the employee's appropriate use of business-related social networking websites, blogs, interactive websites that are used by employees as part of their employment with the city or for professional development purposes.

B) System Security/Safety. All employees have a responsibility to take reasonable

precautions to protect the security and integrity of the City's information systems. Reasonable precautions include updating anti-virus software when requested by the City's Information Technology Manager, not allowing unauthorized access to the computer system, and safeguarding the employee's password.

If an employee becomes aware of a virus or the threat of a virus, the employee should immediately contact the City's IT Manager with the information.

All employees have a responsibility to take reasonable precautions against theft or damage to the City's information systems. Data of a confidential nature must be protected and must not be disclosed without authorization. Unauthorized access, manipulation, disclosure, or secondary release of such data/information constitutes a security breach. Failure on the part of an employee to take reasonable care to prevent such access may be grounds for disciplinary action up to and including termination of employment.

Except with the prior written approval of an employee's Department Head, employees are prohibited from downloading and taking City files, programs, or anything else stored on the City's information system out of the workplace.

Software installations are to be performed by or under the direction of the City's IT Manager. Only software owned by the City and approved by the IT Manager shall be installed on City computers. Installation of personal software on any City-owned equipment is expressly prohibited.

Computer equipment may not be used to download, copy, or store any copyrighted software, publications, music, video, or other content without permission from the copyright holder.

Any theft or damage to any information systems equipment must be reported immediately to the IT Manager and your supervisor.

II. DEPARTMENT INTERNET GUIDELINES

The City encourages its departments to use the City's web site, the department's web site, and other tools of the internet to disseminate information to the public and its employees (collectively called "users") to improve communications with the public, and to carry out official business when business can be accomplished consistent with the following internet policies and guidelines:

A) Information Management. *Disseminate information that is current, accurate, complete, and consistent with City policy. Information released via the internet is subject to the same official City policies for the release of information via other media (such as printed documents), so that the information disclosed avoids potential problems with copyrights, trademarks, and trade secrets. Information accuracy is particularly important on the internet. Where paper-based information is often not current, information presented electronically is much easier to keep current. Constituents expect this information to be not only current but often to be the first available.*

B) Privacy and Security. *Protect confidential and proprietary information entrusted to the City. Questions regarding confidential or proprietary information should be directed to your Department Head. Confidential information should not be posted on the City's external website.*

C) Professional Image. *Use the internet to promote a professional image for the City.*

D) Official Use. *Internet resources are made available to City employees to support and promote official City business. It is inappropriate for employees to use these resources for personal use, private gain, to state as "city positions" those which are not officially endorsed by the City, illegal purposes, or for inappropriate use as defined in these policies and guidelines.*

III. WEBSITE GUIDELINES

The City has a World Wide Web site: www.ci.the-dalles.or.us. The web site includes pages for each department. The web site is a communication tool for providing City information to The Dalles residents and the world. Hopefully, it encourages increased participation in City government.

A) *Employees are responsible for ensuring that they adhere to the Web Site Policies.*

B) *To preserve the public nature of the City's web site and to avoid any perception that the City endorses or provides favorable treatment to any private person or business enterprise (collectively referred to as "vendor"), no corporate or commercial logos or links to vendor sites are allowed on the City's external web site. When a service has been donated by a vendor that enables the development or maintenance of a City departmental web site, the name may appear once at the bottom of the City department's initial page and must include the following statement: "Acknowledgment of (xxxxx) on this page does not constitute the City's support or endorsement of it or its products or services."*

C) *Vendors that create or maintain a home page for any City department must follow all policies established for the City's web site.*

D) *It is the City's intent to provide electronic access to its information through a logical single point of entry. For the internet, this logical point of entry is the City's officially registered domain name and each City department or City organization will be defined as a sub area within the official domain.*

E) *Except as provided in Section IV(D)(f) of this policy, no City web site may be used for campaign-related purposes.*

IV. GUIDELINES CONCERNING SOFTWARE, INTERNET AND VOICEMAIL

1. City-Authorized Software and Hardware

A) *It is the City's policy that no unauthorized software or hardware shall be installed on City computers. Only the Department Head, in consultation with the City Manager and City's IT Manager, may authorize hardware or software to be installed on City computers.*

B) *It is the City's policy that any commercial software installed on a City computer shall be purchased through an authorized vendor or otherwise lawfully obtained. The software license and transfer media (i.e., tape or disc) shall be stored in a secure location.*

2. Copying City-Owned Software; Downloading Software; Tampering and Deletion of Information

A) *Except as otherwise allowed under the software license, and except for backup or archival purposes as determined by the Department Head in consultation with the City Manager and the City's IT Manager, software owned by the City or installed on City computers is covered under copyright laws and shall not be copied, duplicated or installed on any other computer. This includes the software and manuals.*

B) *No software may be downloaded on a City computer without the approval of the Department Head in consultation with the City Manager and the City's IT Manager. Any software or files downloaded via the internet into the City's network become property of the City. Any such files or software may be used only in ways that are consistent with their licenses or copyrights. No employee may use City facilities to knowingly download or distribute pirated software or data. Downloading a file from the internet can bring viruses with it. Make sure all downloaded files are scanned with City standard virus prevention software. Employees with internet access may not use City internet facilities to download entertainment software or games, or to play games against opponents over the internet. Employees with internet access may not use City internet facilities to download images or videos unless there is an explicit business-related use for the material.*

C) *Almost all data and software are subject to the Federal Copyright Laws. Care should be exercised whenever accessing or copying any information that does not belong to the City. Software which requires purchase or reimbursement for its use, such as shareware, requires strict adherence to the terms and conditions specified by the owner unless written permission for unrestricted use has been obtained. When in doubt consult your Department Head.*

D) *Employees are obligated to cooperate with any investigation regarding the use of the Employee's computer equipment, which the employee's Department Head has authorized.*

E) *No employee shall tamper with data, knowingly enter false information or commit sabotage on a City computer. Sabotage includes, but is not limited to, disabling virus software installed in a computer.*

F) *Any employee, whose employment with the City is terminated, for any reason, shall not delete any files or information stored in a computer, without prior authorization from their Department Head.*

3. Internet Policy

A) Internet as a Tool

a. The City encourages authorized employees to use internet technologies as communications, business and research tools. These tools will allow employees to communicate with the public and other audiences, provide information about City systems and programs, and conduct business with the public. The internet provides access to a wide range of valid and valuable research tools and information.

b. The purpose of the City's internet policy is to provide employees with guidelines for the appropriate use of internet tools and technology. The policy covers the use of internet technology for communications, as a tool for conducting the City's business, as a web page publisher, and as a research tool and information source.

B) Internet Policy

a. City employees' use of City equipment and City-paid internet access must be consistent with City policies, including record retention and public record requirements. City employees' use must be consistent with all policies, standards, or work rules established by the department in which they are employed. City employees' use must comply with all service or contractual agreements with commercial internet service providers.

b. City employees using the internet must also apply accepted standards and uses as established by other City policies relating to use of City resources and guidelines for acceptable practices. As explained below, under no circumstances may an employee use City equipment of a City internet account to access pornographic materials.

C) Acceptable Use

Acceptable uses include, but are not limited to, communication or internet activity that is in direct support of normal and accepted City programs. The following is a general list of City uses for the internet; it is not intended to be exhaustive:

a. Communication with other federal, state, or local government agencies, their committees, boards, and/or commissions;

b. Communication for professional development, to debate issues in a field or subfield of knowledge;

c. The use of gophers or World Wide Web sites to research work-related topics;

d. Any other administrative communications or activities that are in direct support of normal and accepted City programs.

e. The occasional, infrequent use of City-paid internet access for personal use is allowed provided such use does not impair or interfere with the effective functioning of any City department.

f. Only those employees or officials who are duly authorized to speak to the media, to

analysts or in public gatherings on behalf of the City may speak or write in the name of the City to any newsgroup or chat room. Other employees may participate in newsgroups or chat rooms in the course of business when relevant to their duties, but they do so as individuals speaking only for themselves. Where an individual participant is identified as an employee or agent of the City, the employee must refrain from any unauthorized political advocacy and must refrain from the unauthorized endorsement or appearance of endorsement by the City of any commercial product or service. Only those managers and City officials who are authorized to speak to the media, to analysts or in public gatherings on behalf of the City may grant such authority to newsgroup or chat room participants.

g. Employees are reminded that chat rooms and newsgroups are public forums where it is inappropriate to reveal confidential City information, citizen data, and any other material covered by existing City policies and procedure or other public law.

D) Unacceptable Use of the Internet

No City employee shall use City-paid internet access to conduct personal business for private financial gain at any time. However, employees will be allowed to access information and engage in transactions through the City's information system concerning the City's retirement plans, deferred compensation plans, medical insurance plans, or other plan providing employee benefits.

No City employee shall take any action to attempt to circumvent or reduce the security of the City's computer and network resources. The City has installed firewalls to assure the safety and security of the City's networks. Any employee who attempts to disable, defeat or circumvent any City security facility will be subject to immediate dismissal.

No City employee shall take any action that renders the user's computer equipment unusable, or that interferes with another City employee's use of computer equipment and internet access.

No City employee shall use City equipment or City-paid internet access in the commission of an illegal act.

Unless specifically authorized by a Department Head or the City Manager, no City employee shall use City equipment or City-paid internet access in a manner that would constitute an endorsement of a specific commercial entity.

Unless otherwise allowed under ORS 260.432 for elected officials, no City employee shall use City-paid internet access to directly assist a campaign for election of any person to any office, or for the promotion of or opposition to any ballot measure. This prohibition shall not apply to the use of a City computer or City network resources for the development of delivery of an objective and fair presentation of facts relevant to a ballot measure as allowed by State law, provided that such use must be a part of the normal and regular conduct of the employee's developing or delivering the presentation of facts.

No City employee shall visit or view pornographic internet sites, download pornographic material from the web, send or retrieve sexually explicit or offensive

messages or cartoons; or download any ethnic slurs, racial epithets or any other statement or image that might be construed as harassment, disparagement, libelous, or discriminatory based upon sex, race, sexual orientation, national origin, or religious or political beliefs. The only exception to this portion of the policy is for police investigative work.

Personal, confidential or protected information whose release is unauthorized should not be transmitted via or exposed to internet access.

Users of the internet must not attempt to obscure the origin of any message or download material under an assumed internet address.

Hacking is the unauthorized attempt or entry into any other computer. Never make an unauthorized attempt to enter any computer. Such an action is a violation of the Federal Electronic Communications Privacy Act (ECPA) 18 U.S.C. § 2510.

4. City Email and Voicemail Policy

A) General

Electronic mail (email) messages are within the scope of the Public Records Law and Records Retention Law. Because of this, the City has developed the following policy for use of the City's email system by City employees and the retention of email messages.

B) Status of Email Messages

All email messages are considered City records. The City reserves the right to access and disclose all messages sent over the email system for any purpose, including the right to disclose email messages to law enforcement officials without prior notice. There shall be no expectation of privacy in the use of email on the City system.

Email messages may be accessed and reviewed at any time by the Department Head or the Department Head's designee, the City Manager, or the City Attorney.

The City retains the discretion to assert any applicable privileges and objections if a public records request or discovery request is made for any City email. An employee desiring that the City assert a privilege or objection under the public records law with respect to City email shall notify the Department Head (or City Manager in the case of the Department Head's absence) who shall make a final determination.

C) Use of Email

City Business. Email is to be used for matters that pertain directly to the business of the City. Email communications must be professional in content and appropriate to a governmental agency.

General Guidelines. Electronic messages are legally discoverable and permissible as evidence in a court of law. The remote possibility of discovery always exists. Employees should use caution and judgment in determining whether a message should be delivered electronically instead of in person. Employees should be suspicious of messages sent by persons not known by the employee. Employees should not open an

attachment in an electronic message unless the attachment was expected to be sent. Employees shall delete and not forward any "chain letters". Employees should not read an email message containing an attachment from an unknown source. Such messages should be immediately deleted. Email messages, which have been identified as "spam" messages, should be immediately deleted.

Personal Use. With the permission of a Department Head and subject to any additional limitations imposed by a Department Head, email may be used for personal communication on occasional, infrequent basis. Significant personal use is prohibited. Misuse or overuse may be the basis for disciplinary action. To the extent possible, personal use of email shall be conducted on breaks or off hours. For purposes of disclosure and access, personal email messages are subject to the same rules established by this policy for another email message.

Use for Community Service or Charitable or Non-Profit Purposes. If authorized by a Department Head or the City Manager, employees may use email for community service, non-profit or charitable activity not sponsored by the City.

Prohibited Use. Use of email for non-City business activities, outside business activities or activities for personal gain is prohibited. Employees are strongly cautioned that such use likely constitutes a violation of the Oregon Ethics Code and may result in civil liability for the employee. The City prohibits discrimination based on age, race, gender, sexual orientation or preference, physical or mental disability, sources of income, or religious or political beliefs. Use of the City's electronic messaging resources to harass or discriminate for any or all of the aforementioned reasons is prohibited.

Reading Email of Other Employees. An employee shall not read, forward, delete or in any way access email repositories or the email of another employee, without that employee's permission; however, email messages may be accessed and read at any time by a Department Head, the Department Head's designee, the City Manager, or the City Attorney.

Identification of Email. All email messages shall be clearly identified as to the author of the message. Anonymous messages are prohibited.

D) Retention of Email

Because email messages sent or received by City employees in connection with City business are public records, they are subject to the same retention requirements as hard copy documents. In the email context, "retention" means, "do not delete". Email messages must be retained even if they are confidential, privileged, or otherwise exempt from disclosure under Oregon Public Records Law. The retention and disposition of public records is authorized by retention schedules issued by the Secretary of State Archives Division. Records may be retained in hard copy or electronic format. If a hard copy of the email message is printed, then the electronic version may be deleted. The hard copy must then be kept as long as required by the applicable retention schedule. An email message retained in electronic format shall be retained for the applicable period set forth in the retention schedule adopted by the City.

An email box should not be used for storage. Generally, if an email has value, it should

be printed and put in the appropriate file. However, it is also appropriate to retain an email on the system until a project is completed, at which time it should be printed out and placed in the appropriate file.

Employees have a responsibility to be familiar with the retention schedules applicable to City records, and to ensure that the email messages they send or receive are retained in accordance with the appropriate records retention schedules. Employees shall not delete any email message unless its retention period has expired or it has been printed out as a hard copy.

Personal email messages are defined as a personal exchange not covered by the State of Oregon Records Retention Schedule, and they should be deleted after they have been read. Examples of personal email messages include:

Lunch plans

Jokes

Chain letters

Messages to family and friends

Attached files such as photographs

Temporary or transitory email messages are any exchange of communication that is fulfilled almost immediately upon request. These messages should be kept until the task is completed or the value of the message has passed. Examples of these types of messages include:

Charity campaigns

Listserv messages

City-wide communications

Meeting reminders

Deadline reminders

Routing slips

Fax confirmation

Reading materials

Reference materials

FYI (for your information) email information that does not elicit a response

Email messages soliciting a response are any exchange of communication that requires the recipient to respond or perform an action on the message received. These messages may include attachments that the recipient will also need to respond to. The retention

of these emails and any accompanying attachments will depend upon the content of the message. Examples of these types of messages include:

Contract negotiations

Administration of fiscal communications

Policy drafts

Reports

Requests for information

Email messages, which document communications, created or received by the City, and which directly related to a City program or City administration, and which are not otherwise specified in the City Records Retention Schedule, or in any applicable state rule or statute, will be classified as correspondence. Such email could include messages, which communicate formal approvals, direction for action, and information about contracts, purchases, grants, personnel and particular projects or programs. A copy of the email message should be filed with the associated program or administrative records, and retained in accordance with the retention schedule specified for the program or administrative records.

Questions about retention of email messages should be directed to either the City Clerk or the City Attorney.

V. VOICEMAIL USAGE

Voicemail, like email, is provided as a communication tool for the City. The City recognizes that voicemail may be used for some minimal personal use, and like the telephone, such personal use of voicemail will be allowed provided such use does not interfere with the business of the City or otherwise violate the use provisions set forth in Section IV of this policy. There shall be no expectation of privacy in the use of voicemail on the City system. Voicemail messages are subject to review and inspection by a Department Head, the Department Head's designee, the City Manager, or the City Attorney.

VI. VIOLATION OF POLICY

All City employees are responsible for reading the City's Communication Systems Policies and Guidelines and signing a statement to the effect that they have read the policy, agree to comply with all conditions of the policy, and understand and accept the rights and responsibilities set forth in the policy. A City employee's failure to comply with the City's Communication Systems Policies and Guidelines can subject the employee to discipline, up to and including termination, subject to the provisions of the City's exempt employee handbook or to any applicable collective bargaining agreement.

SECTION 2 – CRIMINAL JUSTICE INFORMATION SERVICES

1. PURPOSE

The intent of the Media Protection Policy is to ensure the protection of Criminal Justice Information (CJI) until such time as the information is either released to the public via authorized dissemination (e.g., within a court system or when presented in crime reports data), or is purged or destroyed in accordance with applicable record retention rules.

This Media Protection Policy was developed using the FBI's Criminal Justice Information Services (CJIS) Security Policy 5.1 dated 7/13/2012. The Dalles Police Department may complement this policy with a local Policy; however, the CJIS Security Policy shall always be the minimum standard. The local Policy may augment, or increase the standards, but shall not detract from the CJIS Security Policy standards.

2. SCOPE

The scope of this Policy applies to any electronic or physical media containing FBI Criminal Justice Information (CJI) while being stored, accessed, or physically moved from a secure location from The Dalles Police Department. This Policy applies to any authorized person who accesses, stores, and/or transports electronic or physical media. Transporting CJI outside the agency's assigned physically secure area must be monitored and controlled.

The Dalles Police Department personnel shall protect and control electronic and physical CJI while at rest and in transit. The Dalles Police Department will take appropriate safeguards for protecting CJI to limit potential mishandling or loss while being stored, accessed, or transported. Any inadvertent or inappropriate CJI disclosure and/or use will be reported to The Dalles Police Department Local Agency Security Officer (LASO). Procedures shall be defined for securely handling, transporting, and storing media.

3. MEDIA AND STORAGE ACCESS

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJI.

To protect CJI, The Dalles Police Department personnel shall:

- Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.
- Restrict access to electronic and physical media to authorized individuals.
- Ensure that only authorized users remove printed forms or digital media from the CJI.
- Physically protect CJI until the media end of life. End of life CJI is destroyed or sanitized using approved equipment, techniques, and procedures.
- Not use a personally owned information system to access, process, store, or transmit CJI unless The Dalles Police Department has established and documented the specific terms and conditions for personally owned information system usage.

- Not utilize publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include, but are not limited to, hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
- Store all hardcopy CJI printouts maintained by The Dalles Police Department in a secure area accessible to only those employees whose job function requires them to handle such documents.
- Safeguard all CJI by The Dalles Police Department against possible misuse by complying with the Physical Protection Policy, Personally Owned Device Policy, and Disciplinary Policy.
- Take appropriate action when in possession of CJI while not in a secure area:
 - CJI must not leave the employee's immediate control. CJI printouts cannot be left unsupervised while physical controls are not in place.
 - Precautions must be taken to obscure CJI from public view, such as by means of an opaque file folder or envelope for hard copy printouts. For electronic devices like laptops, use session lock use and/or privacy screens. CJI shall not be left in plain public view. When CJI is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption.
 - When CJI is at rest (i.e. stored electronically) outside the boundary of the physically secure location, the data shall be protected using encryption. Storage devices include external hard drives from computers, printers, and copiers used with CJI. In addition, storage devices include thumb drives, flash drives, back-up tapes, mobile devices, laptops, etc.
 - When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.
- Lock or log off the computer when not in the immediate vicinity of the work area to protect CJI. Not all personnel have the same CJI access permissions and need to keep CJI protected on a need-to-know basis.
- Establish appropriate administrative, technical, and physical safeguards to ensure the security and confidentiality of CJI. (See the Physical Protection Policy)

4. MEDIA TRANSPORT

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. "Electronic media" means electronic storage media including memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card.

Dissemination to another agency is authorized if:

- The other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or
- The other agency is performing personnel and appointment functions for criminal justice employment applicants.

The Dalles Police Department personnel shall:

- Protect and control electronic and physical media during transport outside of controlled areas.
- Restrict the pickup, receipt, transfer, and delivery of such media to authorized personnel.

The Dalles Police Department personnel will control, protect, and secure electronic and physical media from public disclosure during transport by:

- Using privacy statements in electronic and paper documents.
- Limiting the collection, disclosure, sharing and use of CJI.
- Following the least privilege and role-based rules for allowing access. Limit access to CJI to only those people or roles that require access.
- Securing hand-carried confidential electronic and paper documents by:
 - Storing CJI in a locked briefcase or lockbox.
 - Only viewing or accessing the CJI electronically, or printed documents in a physically secure location, by authorized personnel.
 - For hard copy printouts or CJI documents:
 - Package hard copy printouts in such a way as to not have any CJI information viewable.
 - That are mailed or shipped, the agency must document procedures and only release to authorized individuals. DO NOT MARK THE PACKAGE TO BE MAILED “CONFIDENTIAL.” Packages containing CJI material are to be sent by method(s) that provide for complete shipment tracking and history, and signature confirmation of delivery. (Agency Discretion)
- Not taking CJI home or when traveling unless authorized by The Dalles Police Department LASO. When disposing confidential documents, use a shredder.

5. THE DALLES POLICE DEPARTMENT INFORMATION SHARING POLICY WITH THE DALLES MUNICIPAL COURT

The intent of TDPD Information Sharing Policy is to establish procedures for Secondary Dissemination of non-Criminal History Record Information (CHRI) CJI with The Dalles Municipal Court.

The Dalles Police Department receives requests from The Dalles Municipal Court for non-CHRI CJI needed to perform its role as traffic court.

As The Dalles Municipal Court is a law enforcement agency requiring the requested CJI to perform its mission, The Dalles Police Department’s designated Terminal Agency Coordinator (TAC), (also known as the LEDS rep) will validate that the requestor from the Municipal Court is an employee of the Court.

The TAC will release the requested non-CHRI CJI via paper document to the court employee in person at The Dalles Police Department.

6. ELECTRONIC MEDIA SANITIZATION AND DISPOSAL

The agency shall sanitize, that is, overwrite at least three times or degauss electronic media prior to disposal or release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel. Physical media shall be securely disposed of when no longer required, using formal procedures. For end of life media policy, refer to "Sanitization Destruction Policy."

7. BREACH NOTIFICATION AND INCIDENT REPORTING

The agency shall promptly report incident information to appropriate authorities. Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Incident-related information can be obtained from a variety of sources including, but not limited to, audit monitoring, network monitoring, physical access monitoring, and user/administrator reports.

8. ROLES AND RESPONSIBILITIES

If CJI is improperly disclosed, lost, or reported as not received, the following procedures must be immediately followed:

- The Dalles Police Department personnel shall notify his or her supervisor or LASO, and an incident-report form must be completed and submitted within 24 hours of discovery of the incident. The submitted report is to contain a detailed account of the incident, events leading to the incident, and steps taken/to be taken in response to the incident. (Agency Discretion)
- The supervisor will communicate the situation to the LASO to notify of the loss or disclosure of CJI records.
- The LASO will ensure the CJIS System Agency Information Security Officer (CSA ISO) is promptly informed of security incidents.
- The CSA ISO will:
 - Establish a security incident response and reporting procedure to discover, investigate, document, and report to the CSA, the affected criminal justice agency, and the FBI CJIS Division ISO major incidents that significantly endanger the security or integrity of CJI.
 - Collect and disseminate all incident-related information received from the Department of Justice (DOJ), FBI CJIS Division, and other entities to the appropriate local law enforcement point of contact (POC) within their area.
 - Act as a single POC for his or her jurisdictional area for requesting incident response assistance.

9. PENALTIES

Violation of any of the requirements in this Policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution, and/or termination.

10. ADVANCED AUTHENTICATION

Advanced authentication will be used to access systems containing CJIS data from unsecure locations including, but not limited to, Department-issued MDTs. The Department is providing advanced authentication methods including, but not limited to, personal certificates and fingerprint readers. Personnel may voluntarily use their personal smartphone as part of advanced authentication. CJIS policy requires the smartphone to be locked with a six-digit pin.

Personal smartphone usage is not required. The City will provide other forms of advanced authentication. If the officer does volunteer to use his or her personal cell phone, a CJIS Policy Amendment has been posted and the officer will sign the form, acknowledging that the officer is voluntarily using his or her cell phone.

CHAPTER 18 – CITY AND DEPARTMENT PROPERTY

SECTION 1 – GUIDELINES

1. DEPARTMENT PROPERTY AND EQUIPMENT

Department members shall be responsible for the condition and the prompt reporting of lost, damaged, or defective City property placed in their custody or use.

Before use, members shall examine any City vehicle or property assigned to them, report unrecorded damage or operational defects to their supervisor, and submit the necessary written reports.

2. CITY PROPERTY

This Policy establishes uniform procedures for reporting and accounting for lost or damaged City property.

When City property is assigned to, or placed under the control of, a Department member it shall be that member's responsibility to protect it from loss or damage. Normal wear is acceptable.

If loss or damage occurs, the member shall immediately inform his or her supervisor and prepare a report in the records management system titled "Damage to City Property." The original shall be turned into a supervisor. The supervisor will notify the Captain so that repair or replacement arrangements can be made.

The report shall include the following:

- A clear description of the property, including any serial numbers
- The date, time, and location of occurrence
- A complete description of the damage and/or loss
- A full description of the circumstances surrounding the incident including the names of any witnesses

A City Incident/Accident Report form will be completed by a supervisor and forwarded to the Captain.

If loss or damage of City property appears to be due to a member's negligence, the supervisor shall follow the provisions as outlined in the Complaint and Disciplinary Procedures in Chapter 43 – Personnel Administration.

3. NEGLIGENCE, LOSS, OR DAMAGE

If there is a showing of negligence, the Chief of Police may recommend to the City Manager that the responsible member be required to make a monetary reimbursement to the City.

Should this occur, the Captain shall contact the member and arrange for reimbursement. If the reimbursement is for a large amount, a system of repayment may be established. The above repayment may be in lieu of, or in conjunction with, normal disciplinary action.

SECTION 2 – DEPARTMENT PROPERTY INVENTORY CONTROL

This Policy is intended to ensure control of the inventory level in the Department by assigning responsibility for accomplishing the inventory accounting to the Captain.

1. PROPERTY INVENTORY

The Department property and equipment inventory shall be maintained by the Captain. The Captain can delegate this responsibility to any officer involved with that particular property. For example, a firearms instructor can keep inventory of all firearms. Any discrepancies in the inventory will be reported to the Chief of Police with an explanation describing what steps are being undertaken to resolve the discrepancy.

2. INVENTORY RECORDS

The Captain shall inventory and maintain records reflecting a list of all items with the value of \$500.00 or more.

In addition to those assets with a value of \$500.00 or more, the Captain shall maintain inventory records of the following items:

- All firearms
- Rechargeable flashlights
- Computers and related equipment
- Portable radios

3. ACQUISITIONS AND TRANSFERS

The City property policy will be followed if any Department property is to be sold, donated, or otherwise disposed. The City Clerk can be consulted if needed.

4. CONVERSION OF PROPERTY TO PERSONAL USE

Members shall not convert to their own use or have any claim on any found property, recovered property, property held as evidence, or property purchased by the Department.

5. UNAUTHORIZED USE, TRANSFER, OR TAKING OF PROPERTY

Members shall not (for personal use or use by others) remove or borrow property from the Police Department for other than official police business. Department property includes office supplies, equipment, and furnishings. Equipment and furnishings will not be transferred between units without the express knowledge and permission of the responsible unit.

6. RECORD PERSONAL POLICE EQUIPMENT

Members shall furnish a current record of any personally-owned firearms and handcuffs carried on their person, with a full description and serial number, by means of a special report to the Captain. Personally-owned backup or off-duty firearms must be approved by the lead firearms instructor, and the member must qualify annually with any backup or off-duty weapon.

CHAPTER 19 – SAFETY

SECTION 1 – SAFETY COMMITTEE

This procedure establishes a Safety Committee, which shall review all injuries, collision incidents, non-collision incidents, and non-traffic accidents or incidents involving Department personnel.

The Safety Committee shall consist of three members, one of whom shall be the Safety Coordinator. Committee members, including the Coordinator, shall be appointed by the Chief of Police.

Two members shall constitute a quorum.

1. AUTHORITY

Each Department member shall cooperate fully with the Committee in the course of any safety inquiry.

2. ACCIDENT REPORTING RESPONSIBILITY

All managers shall immediately forward all reports pertaining to all accidents or incidents involving members to the Safety Committee. The Safety Committee Coordinator will forward all reports to the City Safety Officer.

3. FUNCTIONS

The Safety Committee shall determine what measures shall be taken to decrease accidents and incidents involving members. All findings and recommendations shall be reported to the Chief of Police.

4. INJURIES

All injuries will be fully investigated following Policy.

SECTION 2 – CONTAGIOUS DISEASE

This Policy is to ensure proper timely action by officers in the field to minimize health risks from possible exposure to dangerous diseases.

1. DEFINITIONS

Acquired Immune Deficiency Syndrome (AIDS) - a breakdown of the body's normal immune defense system which protects one from disease. Spread by a virus called HIV

Hepatitis B - Highly contagious, potentially fatal inflammation of the liver

Other Contagious Diseases - Any other bacterial or viral disease possibly contracted by officers in the field

2. AIDS EXPOSURE

AIDS can be carried by anyone and officers are required to take universal precautions against exposure to blood or bodily fluids through the use of gloves and protective equipment. High-risk groups include intravenous drug users and men who have sex with men.

AIDS cannot be transmitted through casual contact with anyone in these groups, but transmission is possible if contact is made with blood or bodily fluids. AIDS cannot be contracted by contaminated blood coming in contact with normal, intact skin. Risk does occur if a cut, crack, or break in the skin is present. In 1700 documented cases of blood exposure to health care professionals from AIDS patients, only three instances of AIDS exposure were found. These were from needle sticks primarily.

3. REMEDIAL ACTION TO BLOOD EXPOSURE FROM PERSONS IN RISK GROUPS

If blood from anyone in a risk group comes in contact with the skin of a Department member, immediate cleaning with soap and hot water is advised. In the field, where this may not be possible, isopropyl alcohol or other appropriate hand cleaners will be stored in the vehicle trunk equipment boxes. Isopropyl alcohol is 100% effective in killing the AIDS virus if left in contact with it for 10-20 seconds. Do not get this alcohol in your eyes, mouth, or nose and observe precautions as noted on the bottle.

If blood from a known risk group or AIDS patient gets in the eyes or mouth of an officer, the officer is directed to flush the area with large quantities of fresh tap water.

Hepatitis B is transmitted by the fecal matter and saliva of an infected person. Intravenous drug users are a high-risk group. Normal hygiene can be very effective in preventing contact. If any officer finds that he or she has been exposed to a person known to have this disease, he or she is to immediately notify his or her supervisor, and seek medical treatment. Alcohol can be used to clean hands of fecal matter when soap and water are not available.

SECTION 3 – BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN

1. OBJECTIVES

- To minimize the potential for employee exposure to bloodborne pathogens in the workplace
- To ensure that actual or potential exposures are reported and mitigated according to all pertinent requirements and best practices
- To educate employees who are likely to be exposed to potentially infectious materials about methods of protecting themselves from the risks involved with their work

2. DEFINITIONS

Decontamination – The effective removal of contamination from clothing or a piece of equipment

Engineering controls – The designing or alteration of a job task using either tools or other physical changes to minimize or eliminate risk of exposure to the employee

Exposure – An actual or potential incident involving either percutaneous or mucocutaneous exposure to bloodborne pathogens or other potentially infectious materials

Hepatitis – Inflammation of the liver. There are several different variations of this infection: Hepatitis A, B, C, D and E. Hepatitis can be acute (short term), or chronic (long term). Symptoms typically include pain in the upper right part of the abdomen, yellowing skin, muscle/joint pain, fever, and nausea. If left untreated, chronic hepatitis can cause severe liver damage and even liver cancer.

Hierarchy of Controls – Controls should be prioritized in the following order:

- Elimination
- Substitution
- Engineering Controls
- Administrative Controls
- Personal Protective Equipment

Infection – The invasion and multiplication of microorganisms not normally present inside the body such as viruses, bacteria and parasites

Medical Treatment – Management and care of a patient to combat a disease or disorder. First aid, counseling, observation, or diagnostics are not considered to be medical treatment.

Other Potentially Infective Materials (OPIM) – Any material that is or is likely to be contaminated with blood, bodily fluids, or other infectious materials

Personal Protective Equipment (PPE) – Wearable equipment designed to protect employees from actual or potential hazards

Regulated Waste – Waste that contains or is likely to contain blood, bodily fluids, or OPIM

Sharps – Needles, broken glass, or other sharp objects that may or may not be contaminated with blood or OPIM

Sharps Containers – Containers that are specifically designed to contain sharp objects such as broken glass or hypodermic needles

Work Practice Controls – Methods of completing a task that reduce potential for exposure and provide the employee with a high level of safety and health

3. CLASSIFICATIONS

Affected Employees – all employees who may be reasonably expected to encounter potentially infectious materials during the course of their work activities

Affected employees may include but are not necessarily limited to the following:

- Officer
- Detective
- Sergeant
- Captain
- Chief of Police

- Reserve officer
- Animal Control officer
- Evidence technician

Program Administrator – The Program Administrator for the City of The Dalles will be the Safety Officer. The Safety Officer will be responsible for auditing the program, procedures, and work practices to ensure efficacy in fulfilling the above noted purpose.

4. HAZARDS

- Routes of Exposure and Potential Transmission
 - **Percutaneous Exposure** – refers to exposure via any break in the skin which could exist as the result of a sharps injury, or other conditions that compromise dermal integrity. Transmission of infection is significantly more likely via percutaneous exposure than other exposure routes.
 - **Mucocutaneous Exposure** – refers to exposure via the mouth, eyes, or other mucous membranes. Transmission via mucocutaneous exposure is less likely than percutaneous exposure.
- Common Pathogens
 - **Human Immunodeficiency Virus (HIV)** – commonly referred to as HIV, is a viral infection that targets the human immune system. The virus can be found in blood, semen, vaginal fluids, and other various bodily fluids. A contaminated needle causing a percutaneous exposure in a subject will transmit the virus approximately 0.3% of the time. If left untreated, HIV will inhibit the immune system from responding to opportunistic illnesses and cancers usually causing death within a span of 9-11 years.
 - **Hepatitis C Virus (HCV)** – is a viral infection that causes inflammation of the liver. Chronic HCV can lead to liver cancer, liver failure, or cirrhosis. The virus can be found in blood or other internal bodily fluids. HCV among people who inject drugs is extremely common, and infection rates among this group is estimated by the Centers for Disease Control (CDC) to range anywhere from 38.1% to 68.0%. Approximately 80% of those who become infected with HCV will experience chronic symptoms. 10-20% of those infected with HCV will develop cirrhosis. Patients who have been diagnosed with cirrhosis have a 1-5% annual risk of developing hepatocellular carcinoma (liver cancer).
 - **Hepatitis B Virus (HBV)** – is a viral infection that causes inflammation of the liver. Chronic HBV can lead to liver cancer, liver failure, or cirrhosis. The virus can be found in blood or other internal bodily fluids. Percutaneous exposure via an infected needle in a subject will result in a transmittal rate of approximately 30%. While chronic symptoms only emerge in about 5% of normal adults who become infected with HBV, young children and infant rates of chronic infection range from 50%-90%. Chronic infection can lead to cirrhosis and hepatocellular carcinoma.

- Bodily Fluids

Although Police personnel are probably the most likely to encounter bodily fluids, incidental exposure can occur for all employees. If a member of the public suddenly becomes ill at City Hall or the Library, employees may be exposed. Exposure can also occur when dealing with someone who is under the influence of drugs or alcohol, or when administering first aid to someone who is injured.

- Other Pathogens

Although not common in the United States, there are many other potential pathogens that people may bring back from traveling abroad. Extra precautions shall be taken when the contamination source is known to have been outside of the country in the last several months. Potential pathogens are:

- Malaria
- Syphilis
- Ebola
- Tuberculosis
- Cholera
- Diphtheria
- West Nile Virus

- Hypodermic Needles

City employees frequently come across hypodermic needles throughout the course of their job tasks. The most likely departments to be affected are Police, Public Works, and City Hall maintenance personnel. Needles may be found incidentally while walking through a park or may be present in a confined space where work is being performed. Extreme care should be taken when reaching into an area to which you do not have visual access. Areas most likely to have needles are those in which drug users frequent such as parks or homeless encampments. Needles shall be mechanically transferred to a sharps container upon discovery. Needles shall not be picked up by hand unless no other option exists. When working in areas likely to contain needles, employees shall wear puncture-resistant gloves.

- Broken Glass

Broken glass can potentially be found in pretty much all workspaces throughout the City. Broken glass shall be treated as a contaminated sharp and shall be disposed of using all of the precautions given to a hypodermic needle.

- Wastewater

Public Works personnel frequently are required to handle equipment that comes in contact with wastewater. Wastewater is likely to contain pathogens. Extreme care should be taken to ensure that wastewater does not come in contact with broken skin or mucous membranes. Any areas that

come in contact with wastewater shall be flushed with clean water and soap as soon as is feasible. Impervious gloves should be used whenever an employee comes into contact with sewer infrastructure.

- Regulated Waste
 - Regulated waste is defined as liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.
 - Regulated waste must be stored in containers specifically designed to hold biohazardous sharps.
 - Containers shall be exchanged no less than once a year unless the container has not been used.
 - Containers shall be inspected as part of each site's monthly or quarterly safety walkthroughs.
 - Containers shown to be defective shall be replaced immediately.

5. PROCEDURES

Exposure Control

- Equipment
 - Sharps Containers
 - Sharps containers will be made available at every establishment throughout the City.
 - Containers shall be replaced at least annually unless the container has not been used.
 - The container may be exchanged through Bi-Mart's container exchange program or may be turned in to the Safety Officer.
 - Puncture resistant gloves shall be provided to those employees who are required to work around contaminated sharps on a regular basis.
 - Broom and Dustpan
 - Bloodborne pathogens spill containment kits shall be provided at each primary location around the City.
 - Mechanical means for handling sharps will be provided to those employees who are required to work around contaminated sharps on a regular basis.
 - Tongs will be made available to those employees who frequently come across potentially contaminated sharps.

- Handwashing stations are readily accessible at all primary locations around the City. Hand sanitizer should be provided for employees working at auxiliary locations.
- Universal Precautions
 - Treat all material suspected of being contaminated as though it were contaminated.
 - Do not handle sharps with your hands.
 - Use mechanical means such as forceps, tongs, or a broom/dustpan to pick up sharps whenever possible.
 - Do not store sharps anywhere outside of a container that is specifically designed to hold sharps.
 - Be aware of areas and tasks where exposure is likely.
 - Wash hands immediately after handling potentially contaminated materials.
 - Dispose of all PPE as regulated waste after use if it cannot be completely decontaminated.

Exposure Response

- Reporting
 - All actual or potential exposure incidents must be reported to the affected employee's supervisor immediately. The supervisor will then contact the Safety Officer as soon as possible.
 - If practical, a sample of the material that the employee was exposed to should be kept for analysis by a medical professional.
- Evaluation/Treatment
 - All employees who have undergone an actual or potential exposure should seek medical attention immediately after reporting the exposure to their supervisor.
 - All medical issues will be kept confidential. However, employees should understand that some limited discussion with supervisors and administrators may be necessary to communicate and address procedures and the remediation of hazards.
 - Confidential medical attention will be made available to the affected employee and may include the following:
 - Documentation of the exposure route and the circumstances surrounding the exposure
 - Identification and evaluation of the source of the contamination. This might be an individual, a discarded needle, or wastewater sample.
 - Blood test for HIV, HBV, and potentially other contaminants.
 - Post-exposure prophylaxis when determined to be appropriate by a physician

- Follow Up
 - All employees who have undergone an actual or potential exposure will be made aware of the City's Employee Assistance Program for counseling resources.
 - All illnesses that an employee experiences due to occupational exposure shall be reported to the Safety Officer.
- Spill Cleanup
 - Spills involving potentially infectious materials shall be cleaned up as soon as feasible.
 - Spill response kits specific to biohazardous material shall be kept at each primary location.
 - Impervious nitrile gloves shall be worn by anyone cleaning up the spill.
 - When potential for splashing/aerosolization of potentially infectious material exists, a respirator with particulate filters and eye protection such as safety glasses or a face shield must also be worn.
 - The affected area shall be covered by an absorbent medium to prevent splashing and the spread of contamination.
 - The area shall be thoroughly disinfected before and after the removal of the spilled material.
 - The material will be picked up and discarded into a bag designed to contain various biohazardous materials.
 - These bags shall be disposed of in a manner compliant with state regulations. Contact The Dalles Disposal for further information.

Recordkeeping

A separate sharps injury log will be maintained by the Safety Officer for each City establishment.

Training

All City employees regardless of department or likelihood of exposure will receive training on bloodborne pathogens as well as this document. Training will include the following:

- How to identify situations where potentially infectious material may be present
- Hazards posed by exposure to potentially infectious material
- Precautions that need to be taken when handling such material
- Reporting procedures

Review Schedule

This program will be reviewed annually or whenever new rules warrant a change in procedures.

SECTION 4 – HBV/TETANUS VACCINES

- All employees who are reasonably expected to be exposed to bloodborne pathogens as part of their normal work tasks will be offered vaccines for HBV and Tetanus at no cost to the employee. These vaccines shall be administered within the first ten (10) work days. If the employee declines these vaccinations, he or she will be required to fill out the HBV/Tetanus vaccination declination form. If the employee decides at a later date that he or she would like to be vaccinated, the vaccines will be made available at no cost to the employee.
- Appointments for vaccines will be scheduled as part of the new-hire orientation. Departments will be responsible for paying for employee vaccines.
- The following personnel are eligible for the HBV/Tetanus Vaccines:
 - Officer
 - Detective
 - Sergeant
 - Captain
 - Chief
 - Reserve officer
 - Animal Control officer
 - Evidence technician

CHAPTER 20 – DETECTIVES

SECTION 1 – APPOINTMENT AND RESPONSIBILITIES OF DETECTIVES

The Chief of Police will appoint the Detective Sergeant who will have daily operational control over the Detectives' Office. When a position is open for a detective, the Captain will publish an announcement for the position. Officers wishing to be appointed to a detective position will submit a letter of interest to the Captain detailing their experience which qualifies them for the position.

Selection for a detective position will be based on the applicant's Performance Evaluation records, experience, and demonstrated skill set. The Chief will have the final decision on the detective selection with the input of the Captain and Detective Sergeant.

The Detective Sergeant or his or her designee will:

- Process reports daily and forward the reports to outside agencies as needed.
- Be responsible for any "Handle with Care" school notifications and records keeping.
- Create an on-call schedule for the detectives.
- Assign cases to detectives which require follow-up. (Follow-up may be referred to patrol)
- Monitor Juvenile Runaway reports for FBI reporting criteria.
- Oversee and supervise the detective assigned to Mid-Columbia Interagency Narcotics Team (MINT).

Detectives will:

- Arrange polygraph examinations for suspects and witnesses when necessary.
- Have the functional responsibility for, and shall always be notified in, the following cases:
 - Homicide: including those cases where a person is in danger of dying from criminal action.
 - Any major crime when assistance is needed to question suspects in custody, or where there is a suspect not in custody who is very likely to be located by immediate investigative action.
 - When a member arrests a suspect known to be wanted by detectives, and has reason to believe he or she might be released from custody before the next day.
- Detectives will be responsible for all necessary follow-up investigations after receiving completed reports.
- Detectives will conduct additional interviews with victims, suspects, and/or witnesses.

The Detective Sergeant will ensure that cases are properly prepared before being submitted to the District or City Attorney's Office for prosecution.

SECTION 2 – MID-COLUMBIA INTERAGENCY NARCOTICS TEAM (MINT)

The MINT team is established by a formal interagency agreement between the City of The Dalles Police Department and other participating agencies. This agreement is entered into among these agencies to secure the benefit of mutual assistance in the enforcement of state and federal drug laws.

1. APPOINTMENT

When a position is open for a MINT detective, the Captain will publish an announcement for the position. Officers wishing to be appointed to a MINT detective position will submit a letter of interest to the Captain detailing their experience which qualifies them for the position.

Selection for a MINT detective position will be based on the applicant's performance evaluation records, experience, and demonstrated skill set. The Chief will have the final decision on the detective selection with the input of the Captain and Detective Sergeant. Duration of assignment will vary based upon the needs of the Department.

2. OPERATIONAL CONSIDERATIONS

The Department member assigned to the MINT team will be referred to as the MINT detective. The MINT detective will be supervised by the Detective Sergeant or, in his or her absence, the Captain. For day-to-day MINT team assignments, the assigned detective will work under the direction of the MINT supervisor or lead detective.

The MINT detective will report to the Police Department each morning and participate in the daily morning briefings.

The MINT detective will keep his or her supervisor briefed as to his or her anticipated daily activities. In addition, the Detective Sergeant will be advised whenever an investigation requires the MINT detective to leave Wasco County.

The MINT detective will advise the Detective Sergeant or Captain whenever a search warrant will be executed by MINT. No warrant will be served without first briefing the Chief of Police.

In the event the MINT detective is called out, or is needed after normal business hours, the Investigations Unit supervisor will be notified.

The MINT detective shall be familiar with the goals and objectives of the MINT team as outlined in the Mid-Columbia Interagency Drug Team Narcotics Task Force Agreement. The detective shall additionally follow the MINT Operational Policy Manual regarding the:

- Use and handling of informants.
- Use and handling of "buy" money.
- Handling and disposition of evidence.
- Proper procedure in regard to forfeiture of property and money which are the proceeds of drug activity.
- Execution of search warrants.

The MINT detective shall be responsible to follow up on drug investigations within the City limits.

SECTION 3 – CLANDESTINE DRUG LABORATORY PROCEDURES

This Policy is intended to establish safety procedures for officers who may discover an illegal drug laboratory and give guidelines for investigators investigating or processing clandestine drug laboratory sites.

1. INITIAL DISCOVERY

If a member becomes aware of information concerning the possible whereabouts of a drug laboratory, he or she shall notify the Department's MINT detective or the Detective Sergeant.

If a member, in the course of routine activities, finds a clandestine drug laboratory, the member shall:

- Remove all suspects from the scene and arrest or detain them as appropriate. Officers should remain at the lab site only long enough to arrest suspects and secure the scene.
- Establish a perimeter around the lab site, evacuating adjoining properties if necessary.
- Notify the Detective Sergeant and MINT team detectives.
- Notify Mid-Columbia Fire and Rescue.

If suspects are found at the scene and arrested, they shall be decontaminated and placed in Tyvek clothing prior to being transported or placed inside a patrol vehicle. This precaution is to prevent contamination of the interior of the patrol car. Tyvek clothing is stored in the Patrol Sergeant and Detective Sergeant's cars.

If any of the initially responding personnel become contaminated by contact with any of the chemicals present at the lab site, they should request Mid-Columbia Fire and Rescue to respond to that location for decontamination.

At no time will chemicals, glassware, or other evidence from a clandestine drug laboratory be transported in a Department vehicle unless it has been judged to be safe by a certified laboratory safety officer.

The MINT team will take responsibility for processing the clandestine drug laboratory site. Certified laboratory safety officers, in conjunction with the OSP Crime Lab, will arrange for the collection of evidence and removal of the laboratory equipment.

The Detective Sergeant will be the Department's liaison officer with the MINT Team for the duration of the clandestine drug laboratory incident.

2. DETECTIVES OFFICE RESPONSIBILITIES

When detectives are summoned to the scene of a suspected drug lab, the responding members will:

- Determine if there is a criminal offense involved.
- Interview any suspects or other persons present.

The detectives shall have the responsibility to assure that the following processes occur:

- Evidence is fingerprinted

- The scene and evidence are photographed
- Samples of suspected illicit materials are collected, documented, preserved and transported to the OSP Crime Lab for analysis

In situations where the danger of contamination from illicit materials is present, the investigations sergeant or ranking investigations officer at the scene shall request the assistance of the Hazardous Material Response Team personnel in completing the above transporting process.

If, during the course of an investigation, the detective suspects that a drug lab is involved, the detective shall attempt to obtain a destruction order in connection with the search warrant to prevent the need to store any quantities of chemicals confiscated longer than 90 days.

When a destruction order is obtained, the investigator shall notify the Hazardous Materials Response Team at the appropriate time to arrange for containment.

When the investigator receives laboratory results regarding the chemicals or samples seized, the original Property Inventory Receipt shall be updated to reflect the information known about the chemicals. A copy of the OSP Crime Lab report will be forwarded to the Property Control Unit and to the Office of Emergency Management (OEM).

When the case is concluded, the detective shall notify the Office of Emergency Management by forwarding a copy of the case disposition. OEM will arrange for the disposal of the remaining samples and/or chemicals in storage that are related to the case. All disposal costs shall be the responsibility of the investigating agency and/or Department of Environmental Quality (DEQ).

SECTION 4 – VEHICLE FORFEITURE (NARCOTICS)

This Policy is intended to assure uniform treatment of vehicles subject to seizure for involvement in the transportation of narcotics or dangerous drugs.

Oregon law provides for the seizure and forfeiture of vehicles, boats, and other conveyances that have been, or are being, used in the unlawful transportation of narcotics and controlled substances.

Seizure and forfeiture of such vehicles are controlled through both civil and criminal forfeiture statutes.

- An officer intending to seize a vehicle for potential forfeiture shall consult with the Detective Sergeant before initiating a formal seizure process.
- In all forfeiture cases, the District Attorney's Office will be consulted to determine the appropriateness of the action and the proper course of action to be taken.

Nothing in this Policy prohibits an officer from seizing a vehicle in the furtherance of a criminal investigation.

Any vehicles seized under this section shall be in compliance with the established procedure on towing of vehicles.

SECTION 5 – MISSING PERSONS

The purpose of this section is to ensure that reported missing person cases, particularly those involving minor children, and missing vulnerable adults, are investigated as soon as possible, utilizing all available resources in compliance with statutory requirements. ORS 146.181, 181A.310, 181A.320

For missing juveniles refer to Chapter 34, Section 4 – Runaway or Missing Juvenile of this Policy Manual.

A vulnerable adult includes, but is not limited to, an adult who has:

- An impaired mental condition, such as dementia
- An intellectual or developmental disability
- A brain injury

Missing persons who are reported to TDPD will require a report to be written. Officers or detectives responding to the initial report of a missing person shall investigate the report and gather as many details as are available. Special consideration shall be paid to reports that appear to involve foul play or the possibility of a crime having been committed. If the disappearance is known to have just occurred, consideration should be given to establishing a perimeter, activating Search and Rescue, and calling for outside agencies for aid or tracking dogs. The Sheriff may activate Search and Rescue. Reverse 911 calls or social media posts are also options to consider as well as alerting the local media. A LEDS bulletin or notification should be considered if enough information exists to share via this format.

Officers shall take a report including any details that are pertinent, and may assist in an investigation or the location of the missing person regardless of how long the person has been missing. Detectives shall initiate a follow-up investigation and ensure that all reasonable efforts are expended to locate the missing person. All missing persons will be entered in LEDS and NCIC and those records shall be cleared upon the location of the person.

CHAPTER 21 – INFORMANTS

SECTION 1 – SCOPE

Members serving on the MINT team will adhere to MINT policy governing the use of informants.

Officers and general detectives will be governed by the policy below, which generally mirror's MINT policy.

Officers or detectives unaccustomed to working with informants are encouraged to consult a supervisor or the Department's MINT member prior to using an informant.

1. CONFIDENTIAL INFORMANTS

Confidential Informant (CI) – A person who, under the direction of a specific officer and with or without expectation of compensation, furnishes information on criminal activities or performs a lawful service for the Police Department in its investigation of crime or suspected criminal activity.

Confidential Reliable Informant (CRI) – A person who, under the direction of a specific officer and with or without expectation of compensation, has established credibility and is considered reliable based on past information on criminal activities, or has successfully performed a lawful service or activity for the Department or another established Law Enforcement Agency.

Officers will designate all informants who are not willing to testify as a CI or CRI. This designation shall be included in the individual informant's file. The exception where a CI or CRI may be requested to testify would be information involving a violent crime against persons. This exception would be discussed with the CI or CRI prior to revealing their identity.

An informant shall be advised at the outset that the information he or she provides may be used in a criminal proceeding and that, although the police will use all lawful means to protect his or her confidentiality, this cannot be guaranteed. In extraordinary circumstances, the case officer with the concurrence of the District Attorney may authorize that such a guarantee be given with the respect to a prosecution initiated by the concurring District Attorney. The informant will be so advised that the Police Department and the District Attorney will honor that guarantee regardless of the outcome of that prosecution.

Disclosure of an informant's identity, even where no prior confidentiality guarantee was made, will be avoided whenever possible. Informant confidentiality will be thoroughly discussed with the District Attorney prior to the trial or other proceedings, and any alternatives will be given full consideration.

In situations where the disclosure of an informant's identity might adversely affect the outcome of a more significant investigation, the Police Department may conceivably recommend dismissal of the pending charges to the District Attorney.

If the issue of disclosure of an informant's confidentiality arises during a police officer's testimony, and the member is in court and is uncertain of the legal requirements, the member should request the judge to briefly permit the member to step down from the witness stand and discuss the matter with the District Attorney.

2. DEFENDANT INFORMANTS

Defendant Informant – A person who is subject to arrest and prosecution for a criminal offense, or a defendant in a pending criminal case who expects compensation for his or her assistance in either the form of judicial or prosecutorial consideration.

Approval for Use of Defendant Informant

The District Attorney for the area of jurisdiction shall approve the conditions and the use of an informant if the informant has pending criminal charges or is in custody. A supervisor or detective will ensure the establishing officer has complied with the requirements of this Policy. The supervisor will acknowledge his or her approval by signing off after review of the informant packet.

Informants receiving consideration in the form of reduction or dismissal of cases will, if the District Attorney requires, have a signed contract.

In the event the contract timeline is extended or some specifics are renegotiated or further clarified, these changes, and the fact that all of the parties of the original contract agree, will be documented in a memo and filed with the original document. Informant contracts must be approved by the supervisor or by a Deputy District Attorney of the appropriate jurisdiction.

3. RESTRICTIONS ON THE USE OF INFORMANTS

The managing officer may contact the Parole or Probation officer for permission to use any informant who is on parole or probation.

Only adults aged 18 or older, or emancipated minors, shall be used as informants. Exceptions must be cleared with the District Attorney.

The District Attorney will be advised of the identity of informants prior to their use.

An informant who has been found to be unreliable in other jurisdictions will be discussed with a supervisor before being accepted as an informant. Use of informants previously reported to be unreliable must be cleared with the District Attorney.

4. PROBLEM INFORMANT

Problem Informant – an informant who has stolen funds or controlled substances or has proven to be unreliable or unmanageable. An officer or detective who controls an informant who becomes a problem informant shall document the problems experienced. The documentation shall be in the form of a report for placement in the case file, as well as an unreliable operator card to be indexed with Western States Information Network (WSIN).

The use of problem informants by an investigator will be brought to the attention of the Deputy District Attorney assigned to prosecute the criminal case in which said informant was used.

5. INFORMANTS OF OTHER AGENCIES

Informants being handled by other criminal justice agencies remain subject to the Policies and procedures listed herein, and no Policy or procedure described herein shall be waived based upon the informant's acceptance by another police agency as a reliable informant, except as otherwise provided in this Policy.

In the event it is discovered that an informant is already working with MINT, the MINT detective handling the CI shall be notified. A MINT detective shall be notified when an informant is being used and the case is drug-related. Every effort should be made to include MINT detectives in drug-related cases when informants are being used.

6. UNRELIABLE INFORMANTS

All drug informants who prove to be unreliable will be placed in the Western States Information Network (WSIN) as unreliable. A submitting officer will not remove the informant from the WSIN system without written authorization from a supervisor.

7. SOURCES OF INFORMATION

The title "Informant," as well as informant requirements, do not apply to Sources of Information. A Source of Information is a person or organization not under the direction of a specific officer or detective, who provides information without becoming a party to the criminal investigation itself (i.e., a business firm furnishing information from its records; an employee of an organization who, through the routine course of his or her activities, obtains information of value to police; or a concerned citizen who witnesses an event of interest to an investigation).

Should a person who would otherwise be considered a source of information seek financial compensation, or become a continuing active part of the investigative process, his or her status must be shifted to that of an informant and be subject to the rules for informant establishment. Generally, a person or organization fitting this definition can be identified by name in investigative reports. However, if there is cause to preserve anonymity, yet the circumstances do not warrant establishing the source as an informant, the term "source of information" may be used.

SECTION 2 – CRITERIA TO ESTABLISH AN INFORMANT

An informant is a person who is in a position to measurably assist the Department in a present or future investigation. To the extent a prudent judgment can be made, the person will not compromise the law enforcement interest and activities, and the person will accept the measure of direction necessary to effectively utilize his or her service.

Officers will adhere to rules of good judgment in the use of informants. The following rules are examples of prohibited conduct:

- Officers are prohibited from engaging in any personal relationship with informants.
- Officers are prohibited from meeting with informants and/or socializing with informants during off-duty hours.
- Officers are prohibited from engaging in any business relationship with informants.
- Officers are prohibited from meeting informants alone when the informant is being used in an active investigation.

When a person is to be used as an informant by a member, the member will complete an informant file. The informant file will contain at least the following items:

- Informant Document Checklist

- Informant Identification Record
- Special Consent Form
- Informant Confidential Questionnaire
- Informant Fingerprint Card (Optional)
- Photograph. At least one photograph of the informant will be placed in the informant's file when the utilization of the informant has been approved and the informant file is opened. The officer operating the informant will have the informant photographed and place the photo in the informant's file.
- Informant's criminal record. A copy of the informant's criminal record will be obtained, and a warrant check will be conducted upon the opening of an informant file. A record of the result of the warrant check and the criminal record check will be inserted in the file. Every six months, the warrant check will be updated and the result of that update will be placed in the informant's file. This warrant check will be done by the officer operating the informant.
- Informant's driving record and status
- Assumed name. The assumed name is to be used on all receipts for payment.
- Before any informant is to be used as an informant, the officer shall conduct or have conducted a check with the records of the Western States Information Network (WSIN) to determine the reliability of the informant. This check will be noted in the informant file.

No informant file shall be opened, and no informant shall be utilized, until the above items have been completed and placed in an informant file packet and a supervisor has approved and signed for the file.

The Detective Sergeant will be responsible for maintaining the informant files in a locked and secure location at the investigator's office. The file system shall protect the identity of any informant working for or with The Dalles Police Department. Active informants will be checked through WSIN once a year and through a computerized criminal history (CCH) every January and July by the Detective Sergeant to ensure no new criminal activity has been recorded. Informants who have not been used for one year will be evaluated by the Detective Sergeant and the detective or officer managing the informant to determine the use of the informant or to place the informant in the inactive file. Inactive informants can be reactivated after the Detective Sergeant has updated the informant's criminal history and background and submits the information to the supervisor.

Informant files will remain confidential and all requests concerning the identity of or confidential information on the informant (i.e., CRI payments, number of cases CRI has worked, etc.) must be approved by the Detective Sergeant or, if so ordered, by the presiding judge.

SECTION 3 – AGENT PRODUCTIVITY INFORMATION FORM

When the informant has provided a service and/or been paid, the supervising officer shall cause the pink copy of the Agent Productivity Information Form to be placed in the informant's file. The Agent Productivity Information Form shall contain all information pertinent to each case. (See the MINT manual section on types of payment for distribution of remaining copies.)

Professional paid informants will **only** be used with Detective Sergeant approval **after** extensive background checks that prove a pattern of productivity and reliability from previous police agencies. They are to be treated as contractors – not employees. Professional paid informants are defined as persons with a proven history of providing reliable informant services to law enforcement agencies and who work as a contractor for monetary compensation.

SECTION 4 – INITIAL INFORMANT INTERVIEW

As part of the establishment process, a full interview of the informant by the office responsible for the informant will take place. The nature and extent of this interview will vary with the informant's background (i.e., whether he or she is a long-time associate of criminals, etc.). A line of inquiry will be developed such that all knowledge of criminals and criminal activity will be covered.

The interview will not be limited to any specific priority. It could well be that a broad coverage of overall criminal activity will lead to a better choice of targets and objectives than a focus upon one specific crime.

In obtaining information on a drug dealer, the financial activities of the alleged drug dealer will be fully discussed, including how money is transferred, assets of the dealer, proceeds from the sale, etc. Information which adversely reflects upon the integrity or conduct of any police officer will be reported to the supervisor immediately.

SECTION 5 – INFORMANT STATEMENTS

The case officer will write a formal report when an informant has provided information or has participated in an activity to which he or she may be required to testify.

When practical, two police officers will witness the statement made by the informant.

SECTION 6 – UTILIZATION OF INFORMANTS

At least two police officers must be available to contact any informant. Whenever practical, two officers will be present at all contacts with the informant. A law enforcement officer of another agency may be substituted for a second where necessary. This is necessary due to the fact that an officer meeting alone with an informant could result in allegations of impropriety.

All significant contact with the informant, and all relevant information obtained at these contacts, will be documented in writing in the member's field notebook, Informant Activity Memorandum, or by report.

Informants shall be advised at the outset that:

- He or she shall not violate any criminal law while providing services as an informant, and that any evidence of such a violation will be reported to the appropriate law enforcement agency and the appropriate prosecuting authority with jurisdiction over that offense.
- He or she has no official status, implied or otherwise, as agents or employees of the participating police agencies.
- The information he or she provides may be used in a criminal proceeding and that, although the police and participating agencies will use all lawful means to protect his or her confidentiality, this cannot be guaranteed.
- The prosecutor will be advised of any assurances and/or compensation provided to a criminal informant or defendant informant in advance of any judicial proceeding.

- Where an informant is to participate in an undercover purchase in which he or she may come in contact with either official funds, controlled drugs, or anything else of potential evidentiary value, he or she will be thoroughly searched both before and after the undercover encounter and, where possible, kept under continuous observation in between. The reason for this is to preclude questions as to the validity or integrity of the evidence.
- All interactions with the informant including his or her development, establishment, debriefing, and utilization will be carried out with the highest regard for confidentiality. When he or she is to be brought to a police office, it will be done in a manner so as to attract minimal attention, both upon entering and exiting, and while he or she is in the confines of the office itself. Unnecessary disclosure of his or her identity in discussions will be avoided. Documents and reports concerning his or her informant status will be kept secured. Meeting outside the office will be done insofar as possible in “neutral” locations. Where the disclosure of his or her informant status to a prosecutor is necessary, the prosecutor should be requested to preserve confidentiality as to the informant’s identity.

SECTION 7 – ADDITIONAL REQUIREMENTS

The following additional requirements shall apply to the development of defendant informants:

- The approval of the appropriate prosecutor will be obtained prior to seeking the cooperation of a defendant informant.
- A defendant informant may be advised that his or her cooperation will be brought to the attention of the appropriate prosecutor. No further representation or assurance may be given without approval of the Prosecuting Attorney. The Prosecuting Attorney shall have sole authority to decide whether or not to prosecute a case against a defendant informant.
- The appropriate prosecutor shall be advised of the nature and scope of the defendant’s cooperation throughout the period of his or her use. The procedures and frequency of this reporting shall be set by the prosecutor.

SECTION 8 – INFORMANTS AND DEFENDANT INFORMANTS PARTICIPATING IN CRIME

If there is probable cause to believe that an informant or defendant informant has committed a felony, the operation shall be terminated and the appropriate District Attorney’s Office or United States Attorney’s Office will be notified. After consultation with the Prosecuting Attorney, it will be determined whether police may continue to use the individual as an informant. All of the allegations and notifications will be documented in writing and placed in the informant’s file.

If another law enforcement agency has exclusive jurisdiction over the particular crime committed by the informant, that law enforcement agency will be notified. If it is felt that immediate and full notification would jeopardize an ongoing investigation, or endanger the life of a police officer or other person, then this notification may be limited to simply apprising the other agency that the crime was committed. In this instance, all evidence of the crime will be preserved for subsequent transfer to the other agency at a point in time when full disclosure is possible.

SECTION 9 – USE OF POLYGRAPH EXAMINATIONS

Information supplied by an informant is normally evaluated based upon the interview conducted of the informant, prior knowledge of the facts reported, and investigative follow-up. In certain situations, these

approaches may be insufficient. Where this is the case, and where corroboration of the informant's information is essential to the furtherance of an investigation or prosecution, the use of a polygraph examination shall be considered.

For the purpose of the polygraph report, the informant will not be named and his or her informant number will be utilized in those spaces where a name is required. When a polygraph examination is conducted under these circumstances, the examiner will provide the original polygraph report to the requesting officer for insertion in the informant's file. No copy of the polygraph report will be distributed unless under the authority of court order or subpoena.

SECTION 10 – ATTENDANCE BY INFORMANTS AT MEETINGS BETWEEN DEFENDANTS AND ATTORNEYS

The attendance at meetings between a defendant and his or her attorney by an informant, at which any discussion of the defendant's pending case takes place, can severely jeopardize the case's outcome. The term "meeting" includes, but is not limited to, actual meetings, overhearing a telephone conversation between an attorney and client, and reviewing written correspondence between the attorney and his or her client. The key elements are that the individual client is a defendant, the attorney is his or her counsel, and that the communication heard by the informant bears on the criminal case pending against the defendant/client.

The informant shall be instructed that he or she shall not attend any of the above-described meetings. If any informant's attendance cannot be avoided, participation will be limited by the informant to that degree of presence necessary to protect his or her undercover role, and he or she is to be a passive participant.

A possible exception to this policy is if having the informant attend the meeting between the attorney and defendant/client would detect a new or ongoing crime being committed by the defendant/client and/or the attorney. However, this is a limited exception and the attendance at such meetings by the informant shall only be allowed with the consent of the District Attorney with jurisdiction over that particular crime.

To minimize the potential harm that could be done to the outcome of a pending case, the informant will be instructed not to reveal anything that he or she learns at the meeting between the attorney and the defendant/client, unless it concerns the commission of the new or ongoing crime.

SECTION 11 – MANAGEMENT REVIEW OF INFORMANTS

The Captain or Detective Sergeant shall assure that all handling of the informant is in compliance with these rules.

SECTION 12 – DEACTIVATION OF INFORMANT

An informant will be deactivated when:

- He or she no longer has the potential to furnish information or services which could lead to a significant prosecution.
- He or she is no longer willing to cooperate.
- His or her cooperation has been determined to be unsatisfactory.
- The informant has satisfied his or her agreed-upon obligation or arrangement.

The decision whether or not to deactivate an informant will be made by the case officer with approval of his or her immediate supervisor.

CHAPTER 22 – SPECIAL EMERGENCY RESPONSE TEAM (SERT)

SECTION 1 – PURPOSE

The purpose of this chapter is to establish clear guidelines for the administration and operation of this special unit on incidents involving critical field operations that require specialized negotiations or tactical deployment, and to provide a tactical response team to augment on-duty personnel in dangerous situations. This team will have specialized training to manage such situations. Such situations may include, but are not limited to:

- Hostage taking incidents
- Barricaded suspect(s)
- Area searches for dangerous suspects
- Stakeouts
- Sniper incidents
- High risk warrant service

SECTION 2 – CALLOUT

Central Dispatch will be provided with a current list of SERT personnel so phone calls or text messages can be used to facilitate a callout. The SERT team will only activate with the permission of the Chief of Police or, in his or her absence, the Captain, or, in his or her absence the SERT team leader. The requestor for any SERT callout shall be prepared to give a briefing detailing the situation, need, and any known hazards for the potential response. Callouts from outside the City will be requested from the head of the outside agency or his or her designee. In considering a SERT response outside the City, staffing and distance will also be factors to consider in the approval or denial of the request.

Field units requesting SERT will provide as many details as possible via phone or radio to inform the SERT team leader of the situation at issue. Field units will maintain a perimeter or take the appropriate tactical steps to allow the SERT team time to equip and arrive. When SERT arrives, an in-person briefing will occur, if possible, to inform the arriving SERT team members of every known detail and hazard that exists so that appropriate tactical decisions can be made. Field units will take direction from SERT once command of the incident is handed off.

SECTION 3 – STRUCTURE

The SERT team will be composed of personnel from the City of The Dalles Police Department. Team members will have individual assignments on the team for which they have received training.

SECTION 4 – SELECTION OF PERSONNEL

Participation in SERT training shall be voluntary. Appointment to the SERT team is at the discretion of the Chief of Police. Physical agility, tactical skill, decision making, and certain other training standards may be established in SERT training procedures. Failure to meet these standards will result in a person's removal from the SERT Team.

SECTION 5 – SERT TEAM LEADER

The SERT team leader shall be one individual assigned by the Chief of Police. The SERT team leader is responsible for all aspects of tactical operations for the team and makes tactical decisions in the field. The SERT team leader coordinates training and ensures that team standards are met.

SECTION 6 – TRAINING

Any member assigned to SERT must attend and pass basic Tactical Operations School (SWAT). SERT membership requires additional, routine training as coordinated by the SERT team leader. Members missing training may be excused from the team. Additional specialized training in areas such as sniper operations, hostage negotiations, or entry team may be required at the discretion of the SERT team leader.

SECTION 7 – OPERATIONAL CAPABILITY

It shall be the duty of the SERT team leader to advise the Chief of Police when the SERT team is operational and ready to respond to incidents.

SECTION 8 – ACTIVATION POST-INCIDENT REPORT

After any activation of the SERT team, a report will be written by the SERT team leader that details the operation, results, any training or equipment needs, and any tactical considerations that worked well or not. The report will document any outside agency concerns or issues, and shall serve as a learning and process improvement document. The report will not reside in a case file, but shall be maintained in SERT files.

CHAPTER 23 – TRAFFIC ENFORCEMENT

SECTION 1 – TRAFFIC VIOLATIONS, CITATIONS, AND ENFORCEMENT

Officers shall consider the nature of the violation and the circumstances in determining the appropriate enforcement action. Normally, citations shall be utilized. Physical arrests for traffic crimes shall only be made under conditions outlined in ORS 810.410.

A citation shall be issued and a violator may be taken into custody for the following crimes:

- Reckless driving
- Failure to perform the duties of a driver involved in an accident
- Misdemeanor charge of operating a motor vehicle while driving privileges are suspended or revoked
- Attempting to elude a police officer
- Driving while under the influence of intoxicants

If a criminal citation is issued and the suspect is not taken to NORCOR, the Circuit Court date shall be set at 0830 hours on a Monday and no more than 30 days from the arrest date.

Felony offenses will not be cited on a Uniform Traffic Citation (UTC). The suspect shall be booked into jail and a felony complaint sought.

Misdemeanor offenders who are lodged at NORCOR will not be issued citations.

If doubt exists as to the identity of the driver of a vehicle detained in relation to a traffic violation, the driver may be taken into custody if the driver is not carrying, or does not present, a license.

ORS 807.507(4) states, "A police officer may detain a person arrested or cited for the offense described in this section only for such time reasonably necessary to investigate and verify the person's identity."

A driver arrested for failure to carry or present a license (ORS 807.507) shall be transported to NORCOR where photographs and fingerprints will be obtained. Officers will utilize all available resources at NORCOR and all other sources to attempt to identify the person in custody. It is the Policy of the Department that once a person arrested for the offense of failing to carry or failing to present a license is positively identified, that person shall be released from custody unless other criminal offenses are brought.

When a driver is taken into custody, the disposition of the vehicle may be one of the following:

- The vehicle may be turned over to another person at the scene if that person is legally qualified and capable of operating a vehicle.
- The vehicle may be left at the scene if it can be left safely and legally parked.
- In all other cases, the vehicle may be towed or impounded in compliance with Department procedure.

Out-of-state resident violators shall be cited into the appropriate court as would any Oregon resident, and the above criteria regarding taking a violator into custody shall apply.

TRAFFIC WARNING IN LIEU OF CITATIONS

Officers are expected to write citations and not issue warnings for careless driving, driving while suspended, speeding when the registered speed is 15 mph or more than the listed speed limit, and driving without liability insurance. An officer who does not issue a citation for one of these offenses should be prepared to explain to a supervisor the extraordinary circumstances which justified a warning decision.

Officers may issue a violation warning when they observe an infraction of the motor vehicle law which:

- Is not hazardous.
- Is not one of the serious traffic offenses listed above.
- Is an equipment violation and would appear not to have been known to the operator.

SECTION 2 – JUVENILE TRAFFIC CITATION PROCEDURE

Juvenile traffic offenders, 16 years and older, shall be cited into Municipal Court under the authority of a blanket remand in the same manner as adults.

Those juveniles who are under the age of 16 years old shall be dealt with as follows:

- Juveniles shall be cited into Juvenile Court by preparing a uniform traffic citation and crossing out the court and bail sections, then substituting “Juvenile Court to be Notified.”
- A copy will go to the juvenile at the scene. The original will go to the Juvenile Department along with an incident report, so the details will be known to the Juvenile Department.

Any juvenile taken into custody shall be in accordance with the procedures found in Chapter 34 – Juvenile Procedures.

SECTION 3 – CITIZEN ISSUING CITATION PROCEDURE

Private citizens may also issue traffic citations with the assistance of Department members by completing the following procedures:

- The citizen must be able to articulate the violation and identify the driver and vehicle. The citizen will be informed that he or she will be responsible for prosecuting the case should it go to trial.
- The officer shall write a report, fully describing the incident, and refer to the citation number. A case number shall be obtained.
- The officer shall fill out a traffic citation completely, except that the court appearance date shall be left blank and the officer shall not sign the citation.
- The officer shall show the citizen the back of the green copy of the citation. The citizen will state the words written on the back of the citation, “I hereby depose and state the following.” The citizen will then describe the violation that occurred and describe the vehicle and driver. The officer may

write “see report” on the back of the green copy in lieu of writing the citizen’s statement on the green copy. This step is legally necessary in order for the officer to serve the citation.

- The citizen will sign the back of the green copy of the citation, as well as sign the front of the entire set of copies on the citation form, in the “First Officer” section.
- The officer shall inform the citizen that a reasonable effort will be made to locate the suspect driver and issue the citation. The officer will advise the citizen that the officer will contact him or her and advise him or her if the citation was or was not able to be served.
- The officer will attempt to locate and identify the suspect driver and issue the citation with a court date set in the same time frame of any other issued traffic citation. The officer will sign the “Second Officer” section of the citation. The citizen initiating the complaint will be notified the suspect was cited.
- After reasonable efforts have been made to locate the suspect, if the suspect cannot be located, the officer will inform the citizen who initiated the complaint.
- The officer will complete a report; if the suspect was located, the citation and report will be sent to the court. If the suspect was not able to be contacted, the report will not be sent to the court and the citation will remain in the case file.

SECTION 4 – FATAL OR POTENTIALLY FATAL VEHICLE CRASH

This Policy is intended to assure a thorough investigation of fatal or potentially fatal crashes, so that successful prosecution will be more certain.

At the scene of every fatal or suspected fatal automobile crash, the primary officer assigned to the call shall notify the on-duty detectives or on-call detective. In all deaths, other than natural, the Chief of Police and Captain shall be notified.

If the responding officer finds that a death has occurred after arriving at the scene, the officer will immediately notify a supervisor, a Deputy Medical Examiner, and the District Attorney.

In the event a victim of a motor vehicle crash is transported to a medical facility and dies en route, the investigating officer will contact the Medical Examiner’s office and the District Attorney to verify that notification of death has been received.

The officer at the scene shall preserve the scene and protect all evidence for the detectives.

The officer shall assure that the suspect (if any) and all witnesses are identified and kept available for the detectives. Complete statements must be taken if they cannot remain at the scene.

The officer shall assure that no charges or citations are issued to a suspect unless absolutely necessary to maintain custody of a hospitalized suspect. If an arrest must be made, the officer shall consult with the District Attorney to determine which charges are appropriate.

The Detective Sergeant or, in his or her absence, the Captain, or other officer assigned responsibility for the follow-up investigation of a fatal crash involving criminal prosecution shall:

- Contact the District Attorney and discuss the circumstances of the case.

- Take a blood sample from the suspect, either with or without a search warrant.

Investigation activities include:

- Seizure of suspect's clothing for laboratory analysis
- Tests of suspect or vehicles
- Impounding of involved vehicles
- Retracing suspect's prior activities (securing names of all persons in recent and present contact with the suspect)
- Measurements and markings of location of evidence at the scene
- Attempt to record as much of suspect and witness interviews as possible
- Assure that careful attention is given to measurements whenever possible, marking locations of evidence heavily so they will remain visible for follow-up investigation

In some cases, the services of an accident reconstruction investigator may be beneficial. If required, a request for such an investigator shall be relayed to supervisory personnel. Supervisory personnel shall contact the Oregon State Police and request the assignment of a reconstructionist to the investigation.

SECTION 5 – VIOLATION/VEHICLE IMPOUNDS

Officers may no longer tow/impound vehicles for the following offenses under the authority granted by ORS 809.720. The Ninth Circuit Court of Appeals made it clear that impoundment of a vehicle equates to a seizure without a warrant under the Fourth Amendment.

- Driving Uninsured – ORS 806.010
- DUII ORS 813.010
- DWS ORS 811.175
- DWR ORS 811.182

Community caretaking is an exception to impounding vehicles for the above listed violations/crimes. This policy recognizes that the vehicle tow and impoundment statute can only be constitutionally enforced in circumstances where the fairly narrow "community caretaking doctrine" applies. The following community caretaking exceptions apply:

- The vehicle creates or is likely to create a hazard, is illegally parked, or the vehicle interferes with the efficient movement of pedestrians or vehicular traffic (parked in the lane of traffic or blocking driveway access).
- The vehicle would be a target for theft or vandalism. If this exception is considered, notify the driver that his or her vehicle is in a high crime area and ask the driver whether he or she wants the vehicle towed, or to make other arrangements for removal of the vehicle, and document the driver's answer.

If the community caretaking exception is used to tow and impound a vehicle, a specific and detailed justification for towing and impounding will be documented in the officer's police report. If a suspect's vehicle falls within one of the above listed community caretaking exceptions, the officer will give the driver an opportunity of 15 minutes to find a licensed driver to move the vehicle from its current location.

There is no longer a community caretaking exception based solely on the arrest of an impaired driver. The above listed exceptions MUST apply in order for the vehicle to be towed and impounded.

Officers will not impound under ORS 809.720 under any of the below listed circumstances:

- Violation of expired driving privileges unless 60 days have passed since the expiration
- Provisional driving violations
- There would be an undue hardship or risk for the occupants, such as young children or a disabled person in the vehicle. In these circumstances and regardless if the vehicle is towed or not, the officer will do whatever is reasonably possible to assure the safety of these persons. Transporting to a safe location is acceptable and encouraged in this circumstance.
- The vehicle is parked on private property on which the registered owner or operator is legally residing, or the property owner does not object to the vehicle being left in the parked location.
- The registered owner and/or a passenger present in the vehicle at the time of the stop has a valid driver's license and is willing and legally able to drive the vehicle at the time.

No officer will drive or move a suspect's vehicle pursuant to this Policy.

1. INVENTORY OF IMPOUNDED VEHICLES

All vehicles that are impounded must be inventoried and a "towed vehicle report" completed. An inventory shall be conducted noting any property of value and the condition of vehicle.

2. LEDS ENTRY

Any vehicle that is towed and impounded, other than from traffic crashes, will be entered into LEDS as impounded by The Dalles Police Department. The case officer shall request Dispatch enter the vehicle in LEDS as impounded and the appropriate box at the top of the Towed Vehicle Report will be marked when this request is made.

3. TOWING COMPANY

The City shall designate a towing company to be used for all Department-ordered tows.

The operator of the tow truck must be advised that the vehicle is being impounded and is to be held until such time as he or she receives written documentation from the City authorizing its release.

4. ADMINISTRATIVE DESK RESPONSIBILITIES

A Letter of Notification for Legal/Registered Owner must be sent by the administrative staff via certified mail within 48 hours, not including weekends or holidays, to the registered owner as indicated by the DMV.

5. ISSUING A NOTICE TO OPERATOR

An Impound Vehicle Notice shall be given to the operator of any vehicle being impounded explaining where the vehicle is being taken and what the person needs to do to regain possession of it.

6. VEHICLE IMPOUND RELEASE

Impound releases will be done by members of The Dalles Police Department. This service will be available 24 hours a day as call load permits.

Vehicles impounded shall be released when all of the following occur:

- Proof of ownership is produced
- Proof of valid insurance is shown
- The person the vehicle is released to shows valid driving privileges
- It is determined there is no evidentiary reason to hold the vehicle

Citizens are no longer required to pay a \$100 administration fee to the City prior to vehicle release.

Copies for the file shall be made of the proof of ownership, proof of valid insurance, and a valid driver's license. When the above release criteria have been met, a written authorization form shall be issued.

The release form is titled "Impound Release Authorization" and it will be filled out completely by the releasing Department member. This form has been changed to recognize there is no longer a fee associated, and the releasing Department member is required to request Dispatch remove the vehicle from LEDS as an "impounded vehicle."

Notice that the vehicle has been impounded shall be given to the same parties, in the same manner, and within the same time limits, as provided in ORS 819.180 for notice after removal of a vehicle.

Hearing Procedures – The person operating the motor vehicle at the time it was towed and impounded, or the owner, may request a hearing to contest the validity of the impoundment. The municipal court judge will conduct the hearing. The request for a hearing must be submitted to the municipal court in writing within 5 calendar days after the date of the notice of impoundment was mailed, as evidenced by the postmark, not including Saturdays, Sundays, and holidays.

SECTION 6 – INTOXICATED DRIVING ARRESTS

1. INTOXILYZER TESTING AND IMPLIED CONSENT

Subjects arrested for Driving Under the Influence of Intoxicants (DUI) shall be taken to NORCOR for the certified and calibrated Intoxilyzer testing. Under certain circumstances, NORCOR's Intoxilyzer may be out of service. In such cases, the subject will be taken to the closest facility having an operational certified and calibrated Intoxilyzer. ORS 813.160 sets forth the standards by which a certified and calibrated Intoxilyzer is considered valid. Portable field Intoxilyzers are not a valid tool in Oregon at this time for DUI enforcement.

At the time of the arrest, the defendant shall be given the complete Miranda warning.

If the arresting officer deems it necessary, he or she may be accompanied to the Intoxilyzer by at least one other officer.

At the testing site, the arresting officer shall request the defendant to submit to a breath test in accordance with current ORS and Implied Consent law.

The test shall be administered by a certified operator. If the arresting officer is not certified, he or she shall have an officer who is certified meet him or her at the site for assistance.

Prior to submitting to an Intoxilyzer test, if a suspect requests an opportunity to speak with an attorney, the suspect shall be provided with a reasonable opportunity to call an attorney and speak with an attorney without being overheard. It is not the Police Department's responsibility to suggest such an opportunity but, if a suspect makes such a request, the opportunity shall not be denied.

If the defendant is unable to contact an attorney in a reasonable amount of time, the testing will proceed.

After testing or refusal, the defendant shall be lodged at NORCOR. If the defendant refuses the breath test, he or she may be cited for refusing a breath test as per ORS 813.095, in addition to other charges. The officer should consider applying for a search warrant for blood or urine depending on the intoxicating substance suspected.

The defendant has the right to an additional chemical test of his or her breath, blood, or urine to be performed at his or her own expense by a qualified person of his or her choosing, only after submitting to the breath test. If requested, the defendant shall be allowed to make a phone call to an appropriate facility within the City limits of The Dalles to arrange such testing. The Department will transport the defendant to the place of testing. The defendant is still in custody during this transport and, as such, all rules of prisoner handling and Miranda still apply. The defendant shall not be expressly offered the additional chemical test other than as explained in the rights and consequences section of the Implied Consent form.

Do not request medical personnel to remove blood without a search warrant unless exigent circumstances exist. It is recommended that an officer consult the District or City Attorney's Office before directing that blood be taken from a defendant without a search warrant. Blood taken shall be examined by the OSP Crime Lab.

2. MOTOR VEHICLE ACCIDENT INVOLVED DUII

In the case of a fatal motor vehicle crash that may also possibly be a DUII, where the driver is killed, proceed with the investigation as a normal fatal accident. The DUII evidence within the person's body can still be gathered and is not dissipating. However, evidence at the scene will need to be gathered and witnesses interviewed as soon as possible.

If the fatality or injury is a person other than the driver, then a sample of the driver's blood needs to be gathered immediately. If the driver is not already going to the hospital, obtain the driver's consent to be taken to the hospital, or place him or her under arrest with probable cause, and transport directly to the hospital. Request consent for blood and/or urine at the hospital. If consent is refused, place the driver under arrest for DUII and request blood per implied consent. If consent is not given, take blood and/or urine based on probable cause and exigent circumstances for assault/homicide. Contact the District Attorney as soon as possible for advice on search warrants and a possible second blood draw.

3. JUVENILE DUII

Juvenile DUIIs will be treated the same as an adult DUII with the exception of lodging and the breath test. Since the current Intoxilyzer is located on the adult side of NORCOR, the juvenile will have to be taken there for testing. Due to the policy of the jail, NORCOR may have to remove all adult inmates from the area. Advance notification will need to be given to allow the staff time to adjust accordingly.

Juvenile DUIIs will be lodged with the permission of the Juvenile Department. They need to be notified as early as possible in the proceedings in order to make the necessary arrangements. Unless specifically directed by the Juvenile Department to handle it differently, a juvenile will be lodged in the NORCOR juvenile facility on a charge of DUII, exactly as an adult would be on the adult side of the facility.

4. DRUG EVALUATIONS

In the case of an impaired driver where drugs are thought to be the cause or part of the cause for the observed impairment, an officer with the appropriate training may request urine, per guidelines set forth in the Implied Consent Combined Report. Additionally, if the subject's breath test is under a .08% Blood Alcohol Concentration (BAC) and drugs are thought to be involved, the officer may to contact a drug recognition evaluator for the purposes of conducting a drug evaluation.

5. URINE

If urine is seized in the case of a DUII arrest made by a Department officer, the urine will be retained as evidence by The Dalles Police Department to send in for testing.

SECTION 7 – RE-EXAMINATION OF PERSONS BELIEVED UNSAFE DRIVERS

This procedure describes the program of reexamination of licensed drivers administered by the Motor Vehicles Division to detect those who lack the qualifications to safely operate motor vehicles.

ORS 807.340 allows the Motor Vehicles Division to require retesting for motor vehicle operators under certain conditions.

An officer who has reason to believe that a licensed driver is unqualified to operate a motor vehicle shall submit a report recommending the driver be reexamined.

The report to be submitted is the State of Oregon Motor Vehicles Division Examination Request Form, as provided by the Department of Motor Vehicles. When completing this form, members shall:

- Provide a complete identification of the driver.
- Provide as much detail as possible, describing the impairment or problem of the driver, such as:
 - If the impairment to drive safely is due to a physical disability, illness or disease, and how that disability or illness interferes with the driver's ability to operate a vehicle safely must be described.
 - The driver is enfeebled.
 - The driver has apparent impairment of vision, reaction time, or thinking.

- The driver has displayed a lack of knowledge of current traffic regulations, or has displayed an inability to safely drive a motor vehicle.
- Outline in detail the reasons for the examination request. There must be a cause other than age alone.
- Attach any supporting documents, such as a letter from a civilian witness, additional narrative, or police reports.

1. SUBMISSION OF REQUESTS

All completed requests shall be forwarded to Manager, Driver's License Division, Motor Vehicles Division, 1905 Lana Avenue NE, Salem, OR 97310.

2. CITIZENS' USE

The Motor Vehicles Division Examination Request is designed for use by private citizens also. Members shall provide the request form and instructions on its completion to citizens who request it.

SECTION 8 – TRAFFIC CRASH INVESTIGATIONS

It is the Policy of The Dalles Police Department that an officer investigates and submits a written police crash report when:

- There is a fatality or potential fatality involved.
- There are injuries to any participants including drivers, passengers, pedestrians, and bicyclists, or if someone is unconscious or complains of pain or injury.
- There is damage to public property which includes publicly-owned vehicles and other equipment.
- There is an arrest made or citation issued as a result of a crash investigation.
- Drugs or alcohol are a contributing factor in the crash.

If an officer responds to a crash that does not fit in a category above or only minor property damage is present, the officer shall:

- Assist in the exchange of information which includes identifying drivers and witnesses.
- Inform involved parties that a state crash report is required if damage is over \$2500 and/or a vehicle had to be towed from the scene.
- Complete a detailed log entry of the facts.

In all cases where an officer responds to a traffic crash, the officer shall advise drivers involved that they have to submit a state accident and insurance report if:

- There is damage to any vehicle or property over \$2500.
- There is injury.
- There is a death.

- Any vehicle is towed from the scene.

If a party leaves the scene of a crash to avoid responsibility or police contact, the crash shall be a “hit and run” and the following additional procedures will apply:

- A crash report will be completed
- An investigation shall be conducted to see if the responsible party can be located
- For hit and run crashes that result in a fatality, the Detective Sergeant shall be consulted for investigatory assistance.

Each officer has been issued an OSHA-approved reflectorized safety vest. All officers who are participating in the investigation of a traffic crash, or while directing traffic at a crash scene or other traffic related event, are required to wear their safety vests.

CHAPTER 24 – POLICE CANINE

The Dallas Police Department does not currently have a police canine policy. This will be added if canines become part of police operations.

CHAPTER 25 – RESERVES

SECTION 1 – RESERVE POLICE OFFICER REQUIREMENTS

The role of the reserve officer is to support and assist the regular officer's function, as defined by the Chief of Police within the Department. Reserve officers will not replace regular officers in traditional police functions. However, Reserve officers may be utilized to augment regular officers' police activities by performing traditional police functions during disasters or emergency situations and to furnish such other service as may be required by the Chief of Police or the Chief's designee.

Authority and responsibility for calling members of the Police Reserve Unit to duty is vested in the Chief of Police or, in the event of his or her absence or disability, the person then authorized to act on his or her behalf.

1. REQUIREMENTS FOR APPLICATION AND ENTRANCE

Persons may apply for membership in the Police Reserve Unit by preparing a written application to the Reserve Coordinator. Applicants shall meet the entrance requirements equivalent to regular officers and the following standards:

- Have a high school diploma or GED
- Be employed in an occupation that does not result in a conflict of interest with the Department as determined by the Chief of Police
- Be at least 21 years of age
- Be a citizen of the United States
- Pass a written examination, a physical agility test, and an oral interview
- Pass a background investigation including a fingerprint check
- Possess a valid driver's license
- Pass a medical and psychological pre-employment screening
 - The DPSST form F2-A will be submitted to DPSST
- Must not have been convicted of a felony or other serious misdemeanor
- Must live within forty-five (45) minutes, driving at the applicable speed limit, of City Hall
 - This requirement may be waived by the Chief of Police

Any applicant who is unable to be certified by DPSST, or testify in court, will not be considered.

Prior to assuming sworn status or exercising police authority, personnel will take an oath of office to uphold state and federal constitutions and local ordinances, to obey the rules and regulations of the City of The Dalles, and to abide by a code or canon of ethics.

2. RESERVE TRAINING

The Chief of Police, or the Chief's designee, shall formulate training and performance qualifications which will be consistent with those of the Oregon Board of Police Safety Standards & Training.

The training period for a reserve officer is 12 months. All such reserves shall be under the jurisdiction of the Reserve Coordinator.

In-service training sessions are mandatory. Failure to attend without notifying the Reserve Coordinator prior to an absence may result in disciplinary action.

3. PROBATIONARY RESERVE PROGRAM

Probationary reserve officers must successfully complete a 12-month probationary period under the jurisdiction of the Reserve Coordinator.

- Phase I - The first six months, the reserve recruit will work only with senior reserve officers and/or regular officers.
- Phase II - The second six months, the recruit may work with any reserve or regular officer.

At any time during the probationary period, the Reserve Training Officer or the Reserve Coordinator may recommend a reserve recruit be terminated. All recommendations will be forwarded to the Chief of Police through the chain of command.

4. RESERVE REQUIREMENTS

General

- Reserve officers are required to complete a minimum of 192 hours of approved reserve service a year.
- Each reserve officer shall work at least one shift per month with a regular patrol officer or another reserve officer or other prior approved reserve duty assignment.
- Eight hours of the required 192 hours must be worked on special duty, i.e., parades, runs, holiday events, Neon Nights, etc.
- Reserve officers must complete all in-service training ordered by the Chief of Police.
- Reserve officers shall conform to all rules and regulations of the Police Department.
- With prior approval from the Chief of Police, reserve officers may perform volunteer public service, in uniform, and without compensation.

Patrol Rides

- Members shall work at least one 10-hour patrol shift per month with a regular patrol officer or other prior approved reserve duty assignment. Members may also do patrols as a double reserve car or solo patrol, depending on the reserve's level of advancement.
- If a member is unable to do a full 10-hour shift, he or she may do two 5-hour patrol rides.

- If a member is unable to do a full 10 hours of patrol rides per month, he or she will notify the Reserve Coordinator in writing. The member will make up the lost hours the following month.
- Members are required to obtain at least 120 hours of patrol duty per year.

Meetings and Training

- Members shall attend all reserve meetings and training sessions each month.
- Meetings will be held once a month on a day predetermined by the Reserve Coordinator.
- If a member is unable to attend a meeting for any reason, he or she will notify the Reserve Coordinator in advance of this. If a member does not notify the Reserve Coordinator in advance, this will count as an unexcused absence.

Special Events

- Members should make every attempt to attend special events such as parades.

Attendance and Absences

- If a member knows that he or she will be unable to meet the minimum requirements due to unusual reasons (i.e., family, work, vacations, etc.), the member will submit a memo to the Reserve Coordinator indicating this fact and the reasons.
- If a member is unable to attend a meeting or special event which he or she agreed to attend, the member will contact the Reserve Coordinator, Reserve Captain, or Event Coordinator (most likely the Shift Supervisor) and inform him or her that the reserve will not be able to attend. This notification will be done prior to the event or meeting.
- If a member does not make the proper notification in advance, this will be deemed as an unexcused absence.
- Members who obtain three unexcused absences in a 6-month period may be reduced in reserve ranking or be subject to other disciplinary action at the discretion of the Reserve Coordinator.

SECTION 2 – RESERVE OFFICER DUTIES

1. RESERVE FUNCTIONS AND ASSIGNMENTS

The Police Chief shall determine if the reserve program is necessary or needed, or if the program is accepting new candidates and shall initiate recruitment if he or she determines that the need for additional reserves exists.

The authority, powers, and duties of reserve officers shall be such as are vested in them by the Chief of Police.

Reserve officers will perform duties including the following at the direction of the Chief of Police or designee, the on-duty Shift Sergeant, Reserve Coordinator, or Assistant Reserve Coordinator.

Duties and restrictions for reserve officers include:

- Provide personnel for two-man cars
- Reserve officers will not operate one-man cars on patrol unless they are approved by the shift supervisor.
- Reserve officers who are related will not ride together.
- Patrol with a regular officer in a two-man unit
- Reserve officers are not to handle initial investigations of criminal calls unless approved and supervised by a certified officer.
- Provide park patrol at various parks in the City
- Provide special office duties, special parade duties, special foot patrol duties, special security assignments, and other assignments as assigned by the Chief of Police
- Make field custody transports for regular officers
- Participate in tactical operations with prior approval of the Chief of Police
- Reserve officers will not be affiliated with, or become employed by, any other police agency in any capacity without prior approval.
- While off duty, any member having contact with police agency personnel (including officers of The Dalles Police Department), who are acting under the color of authority and investigating any crime, will report such contact to the Reserve Coordinator as soon as is practical. This does not include casual or social contact.

2. TRAFFIC CITATIONS

Reserve officers will not be issued traffic citation books nor will they perform routine traffic enforcement activities. In the event of an extreme traffic violation, the reserve officer must obtain both the citation and approval of a regular officer before issuing a citation. An extreme traffic violation is defined as a hazardous traffic situation such as reckless driving or driving under the influence of intoxicants.

Reserve officers, if not accompanied by a regular officer, will not make traffic stops except in extreme circumstances. Reserve officers observing an extreme traffic violation shall contact the on-duty supervisor or, if none, the senior on-duty officer, explain the circumstances, and request authorization to make the stop. Once the stop is made, a regular officer must be summoned to assist with any investigation, citation, or arrest.

An information report will be written on each citation and directed to the Police Department Reserve Coordinator for submission to the Chief of Police. (exception – Level 4 Reserve Officers)

Those reserve officers who have achieved Level 4 status can, with authorization of the Chief of Police, engage in traffic enforcement stops without complying with the above mentioned restrictions.

3. FIREARMS

- Reserve officers shall be familiar with, and follow, Department policies and procedures for the use of firearms.

- Reserve officers will not carry their Department-issued weapon while off duty.
- Reserve officers must comply with all Department rules, procedures, and guidelines.

4. CARRYING CONCEALED WEAPONS OFF DUTY

Reserve officers are prohibited from carrying a concealed weapon off duty unless specifically licensed by concealed handgun license, and should consider themselves as private citizens while not on duty. Reserve officers shall not carry a firearm issued to them by the Police Department when off duty even if they are a concealed handgun license holder.

5. EQUIPMENT

- After 6 months of service, a reserve officer in good standing may be issued a key to the Police Department. This shall be at the discretion of the Chief of Police or the Chief's designee.
- After 1 year of service, a reserve officer in good standing shall be issued an external vest carrier for their ballistic vest, based on the Reserve Budget.

6. COMPENSATION

Membership in the Police Reserve Unit will be voluntary, with no compensation, except the following:

- Emergency as declared by the Governor or Mayor. Payment shall be based on the regular base step of a patrolman's salary for services performed during the duration of the emergency.
- Private services contracted and billed through the City or paid directly to the officer per the Chief of Police
- No member shall be entitled to such compensation except upon written certification of the Chief of Police, which shall be presented to the City Treasurer, and which shall be accompanied by an itemized account of the services rendered and the time involved.

7. SEPARATION FROM THE RESERVE UNIT

Reserves who resign from the Police Reserve Unit shall:

- Submit a resignation letter, in writing, through the chain of command to the Chief of Police.
- Contact the Reserve Coordinator and turn in all Department-issued property. All equipment issued to the reserve officer that is City-owned shall be returned upon termination or resignation.

A reserve officer may apply for a leave of absence of not more than six (6) months. Requests shall be in writing and submitted through the chain of command to the Chief of Police. A reserve officer who requests a leave of absence must do so using the form titled, "Reserve Officer Leave of Absence Request."

Any reserve officer may be dismissed by the Chief of Police on written notice, with or without cause. The member shall have no right to a hearing or specifications of charges, nor shall he or she have any claim against the Chief of Police or the City of The Dalles.

SECTION 3 – CHAIN OF COMMAND

The established chain of command within the Police Reserve Unit shall be: Reserve, Reserve Sergeant, Reserve Captain, Reserve Coordinator, Captain, and Chief of Police.

1. RESERVE COORDINATOR DUTIES AND RESPONSIBILITIES

The Reserve Coordinator will:

- Provide schedules to ensure the required ride time has been met.
- Organize special duty requests and assignments.
- Maintain records of service hours and in-service training hours.
- Submit monthly progress reports to the Chief of Police.
- Issue all reserve equipment and submit an inventory of all issued equipment to the Police Captain.

The Assistant Reserve Coordinator will work with the Reserve Coordinator and assume the Coordinator's duties when necessary. The Assistant Reserve Coordinator will prepare monthly statistics of reserve activities, will monitor the Reserve Academy, and will keep a current phone and address list on all reserves.

2. RESERVE OFFICER CLASSIFICATION LEVELS

Reserve level I: Reserve Trainee

- Entry level reserve
- Will be on probation
- May or may not be authorized to carry a firearm
- May only do rides with a regular officer
- May only stand duty for special events with a regular officer or a Level II reserve or higher
- Will not work alone

Reserve level II: Reserve Officer

- Will have completed the Reserve Academy
- May or may not be on probation
- Will only operate a patrol vehicle with a regular officer
- Will be authorized to carry a firearm
- May stand duty at special functions
- May only stand duty in a double reserve car with a Level III or higher

Reserve level III: Advanced Reserve Officer

- Will have been a reserve for at least 1 year
- Will be off probation
- May stand duty in a double reserve car as the lead reserve
- May operate a patrol vehicle as assigned
- Will be allowed to transport and book prisoners

Reserve level IV: Senior Reserve

- Will have been a reserve for at least 2 years
- Will be placed in charge of details
- May be assigned training details
- May be assigned to supervise reserve meetings
- May work alone if directed by the Shift Supervisor

Reserve level V:

- Appointed by the Chief of Police – is usually limited to persons who have previously been a certified officer
- May be assigned regular police officer duties

3. ADVANCEMENT TO THE NEXT LEVEL

Members must meet the minimum requirements of that level as listed above. Members must also be in good standing by maintaining minimum time requirements. In addition, members must be able to pass a written exam to advance to Levels III and IV and be recommended by the Reserve Coordinators.

CHAPTER 26 – DRONE: UNCREWED AERIAL SYSTEM (UAS)/ UNCREWED AERIAL VEHICLE (UAV)

SECTION 1 – PURPOSE AND SCOPE

This Policy establishes the guidelines for officer use of Small Uncrewed Aerial Systems and should be used in conjunction with all other applicable Policies and procedures.

SECTION 2 – POLICY

Drones, also referred to as Small Uncrewed Aerial Systems and Uncrewed Aerial Vehicles, may be utilized to enhance the Department’s mission of protecting lives and property when other means and resources are not available or may be less effective, or when the use of the drone protects the safety of citizens or officers. All drone operations will be in accordance with Constitutional and privacy rights, Federal Aviation Administration (FAA) regulations, and Oregon law.

SECTION 3 – DEFINITIONS

Small Uncrewed Aerial System (sUAS/Drone) – An uncrewed aircraft of any type (weighing less than 55 pounds) that is capable of sustaining directed flight, whether preprogrammed or remotely controlled, often referred to as an uncrewed (or unmanned) aerial vehicle (UAV), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means. For purposes of this Policy, a sUAS includes a drone as defined by ORS 837.300. This Policy uses the moniker “drone,” and is inclusive of all terms referring to this type of vehicle.

Remote Pilot in Command (PIC) – The PIC is a TDPD employee who has obtained and maintains a valid remote pilot airman certificate in compliance with all federal aviation regulations. The PIC is responsible for the complete and overall operation of any drone flight he or she commands.

Visual Observer (VO) – A TDPD employee who conducts flight operations to support police drone missions. The VO will be trained by Department employees (PIC) who have obtained and maintain valid remote pilot airman certificates in compliance with all federal aviation regulations. All TDPD sworn employees will be trained on the duties and responsibilities of a VO.

SECTION 4 – PRIVACY

The use of drones involves privacy considerations.

- Drone operations will be conducted in accordance with all laws and regulations, including federal, Oregon law, and City Code.
- The PIC shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during drone operations.
- Use of facial recognition technology during drone operations is prohibited.

SECTION 5 – REQUIREMENTS FOR USE

- Only authorized operators who have completed the required training (including FAA Part 107 Remote Pilot Certification) shall be permitted to operate Department drones. Non-certified team

members may operate drones for training purposes under the supervision of a certified team member.

- The drones shall only be operated in accordance with Part 107 regulations.
- Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protected privacy interest or when in compliance with a search warrant, court order, or exigent circumstances. In all other instances, the City Attorney shall be consulted before the use of vision enhancement technology.
- Drones shall be flown in accordance with the following Oregon Revised Statutes:
 - ORS 837.300 – Definitions
 - ORS 837.310 – Restrictions
 - ORS 837.320 – Authorized Use Upon Issuance of Warrant
 - ORS 837.330 – Written Consent
 - ORS 837.335 – Search and Rescue
 - ORS 837.340 – Criminal Investigations
 - ORS 837.345 – Training
 - ORS 837.360 – Restrictions
 - ORS 837.365 – Weaponized Unmanned Aircraft Systems (Prohibited)
- Drones shall only be operated by The Dalles Police Department:
 - Pursuant to a valid warrant authorizing their use (ORS 837.320).
 - When there is probable cause to believe a person has committed a crime, is committing a crime, or about to commit a crime, and exigent circumstances exist making it unreasonable to obtain a warrant authorizing the use (ORS 837.320).
 - With written consent of an individual for the purpose of acquiring information about the individual or the individual's property (ORS 837.330).
 - As part of search and rescue activities (ORS 837.335, 404.200).
 - When assisting an individual in an emergency if there is a reasonable belief there is an imminent threat to the life and safety of the individual (ORS 837.335).
 - A report shall be prepared documenting the factual basis for the belief; and
 - Within 48 hours of the emergency, a sworn statement shall be filed with the Circuit Court describing the nature of the emergency and the need for the use of the drone.

- During a state of emergency declared by the Governor, if:
 - The drone is used for preserving public safety, protecting property, or conducting surveillance intended to be used to assess and evaluate environmental or weather-related damage, erosion, or contamination; and
 - The drone is operated only in the geographical area specified in the Governor's proclamation.
- For purposes of reconstructing a crime scene, or a similar physical assessment related to a specific criminal investigation, as provided by ORS 837.340. Under this statute, the operations may not exceed 5 days unless specifically authorized by court order.
- For purposes of training in the use and acquisition of information, as provided in ORS 837.345.

SECTION 6 – OPERATIONS

The Dalles Police Drone Team shall adopt and utilize the finalized Uncrewed Aerial System Operations Manual.

SECTION 7 – SAFETY

Safety of drone operations is paramount. The safety of all operations should be considered during every flight. Part 107 requirements must be followed at all times, as well as the safety requirements as outlined in the Uncrewed Aerial System Operations Manual.

SECTION 8 – PROHIBITED USE

Drone video surveillance equipment shall not be used to:

- Conduct random surveillance activities.
- Target a person based solely on individual characteristics such as, but not limited to, race, ethnicity, national origin, religion, disability, gender, sexual orientation, housing status, or source of income.
- Harass, intimidate, or discriminate against any individual or group.
- Conduct personal business of any type.

Drones shall not be weaponized (ORS 837.365).

SECTION 9 – REMOTE PILOT CERTIFICATION

All members of The Dalles Police Department Drone Team shall obtain and maintain a Part 107 Remote Pilot Certificate through the FAA. Each member will be required to obtain certification prior to admission onto the team. Each member must also successfully pass a practical exercise (flight exam) as outlined in the UAS NIST (National Institute of Standards and Technology) Standards by a certified NIST examiner prior to admission to the team.

A recurring training regimen will be established.

SECTION 10 – DRONE TEAM CONFIGURATION

Due to the vast array of operational uses, and to avoid overwhelming one work unit with requests from many other units, the drone team may consist of a variety of individuals with specialized skills.

The program coordinator will be the Captain of The Dalles Police Department.

SECTION 11 – EQUIPMENT

In order to maintain transparency, all drones will be clearly marked to maximize visibility with:

- City of The Dalles Police Department name and logo.
- FAA-required lighting, depending on the circumstances. Lights may not be used in rare circumstances where covert operations are necessary to preserve the integrity of an investigation or when required for officer safety-related concerns.
- Equipment will be maintained according to the manufacturer’s specifications as outlined in the operations manual.

SECTION 12 – OPERATIONAL REPORTING

Each mission will be documented with a flight log.

SECTION 13 – DATA RECORDING

Video recordings and photos will only be taken during missions where there is a reasonable expectation the data will contain evidentiary value, or in situations where it may provide transparency of Police Department operations.

Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner digital content captured by drone operations without prior written authorization from the Chief of Police or designee. Cropping videos for length is not editing for the purposes of this Policy.

SECTION 14 – RETENTION AND RELEASE OF UAS DATA

All evidentiary data will be maintained in accordance with established TDPD audio and video evidence handling and retention standards. Any data collected during a flight mission not of evidentiary value will be deleted as soon as is practical. Data collected during training may be retained for training purposes only.

CHAPTER 27 – PEER SUPPORT

The Dalles Police Department shall offer peer support to employees for the purpose of helping Department employees through a critical incident, reducing the likelihood or effects of post-trauma stress reactions, and providing support and assistance to employees and their families in handling such matters.

SECTION 1 – DEFINITIONS

The Dalles Police Peer Support Team consists of full-time officers, chaplaincy, and other approved volunteer members.

- **Traumatic Incident** – Any situation that is likely to be emotionally overwhelming to a Department employee.
- **Critical Incident** – A traumatic incident that is work-related.
- **Peer Support** – A process whereby a person discusses a personal issue with a nonprofessional – usually a friend or coworker. The person defines a problem and decides upon a solution himself or herself. The peer support member utilizes effective active listening skills, helps clarify issues, and supports the person through his or her problem-solving process.

SECTION 2 – ORGANIZATION

The Chief of Police will appoint a member from The Dalles Police Department to act as the Peer Support Team Coordinator.

The Peer Support Team is committed to selecting peer support members with varied ethnic, cultural, and life experiences.

An updated listing of City and countywide available community and related resources (such as psychologists, counselors, etc.) shall be maintained.

SECTION 3 – PARTICIPATION

Peer Support Team members will consist of the following personnel:

- Sworn personnel
- Civilian personnel

Peer Support Team members may also be supported and assisted by the following personnel:

- A Department member's union representative
- A police chaplaincy representative
- Selected psychologists
- Subject matter speakers (e.g., Critical Incident)

SECTION 4 – CONFIDENTIALITY

The most important aspect of the Peer Support Team is the promotion of trust, anonymity, and confidentiality. Therefore, communications between Peer Support Team members and employees involved in traumatic incidents shall be confidential, with the following exceptions:

- There is child abuse involved.
- There is reason to believe the employee intends to hurt himself or herself or another person.
- The employee is involved in any crime.
- At the discretion of the Peer Support Team member, where, due to substance abuse or other reasons, the employee is a clear and present danger to self, citizens, or fellow employees.
- Situations related to sexual harassment and/or Equal Employment Opportunity violations

If any of the above conditions exist, the Peer Support Coordinator shall be notified. In the case of threatened injury, the intended victim shall also be notified.

These exceptions to confidentiality are either required by law or are necessary. Employees who become Peer Support Team members cannot abdicate their responsibilities to report criminal conduct as is defined in this section. If concerns arise, Peer Support Team members shall contact the Peer Support Coordinator for guidance.

Confidentiality, as it applies to this program, is not protected by statute; it is protected as a matter of The Dalles Police Department Policy.

SECTION 5 – SELECTION CRITERIA

Employees interested in participating on the Peer Support Team shall submit an application via memorandum of interest to the Peer Support Coordinator.

- A review committee, composed of, at a minimum, one non-sworn Peer Support Team member, one sworn Peer Support Team member, one Peer Support Leader, Chaplain, and the contracted police psychologist, will review the submitted applications.
- Selections shall be made by the Peer Support Team Coordinator.
- For selection to participate in the program, employees shall meet the following criteria:
 - Minimum 18 months of service with The Dalles Police Department
 - Attend an approved Critical Incident Stress Management (CISM) based training on individual and group-based incidents
 - Attend regularly-scheduled meetings and training sessions
 - Sign a confidentiality agreement regarding peer support matters
 - Commit to serving a minimum of 2 years in the program
 - Demonstrate above-average active listening skills

- Agree to submit a short biography regarding personal challenges that qualify the employee to be a member of the team, which will be made available to those seeking peer support assistance

SECTION 6 – DESELECTION CRITERIA

Deselection from the program shall be made by the Peer Support Team Coordinator. Deselection will be made based on the following criteria:

- Breach of confidentiality
- Lack of participation
- Inability to participate due to professional and/or personal reasons
- Ineffectiveness as determined by the Peer Support Team Coordinator or Agency head

TRAINING

Initial training shall consist of 24 hours of peer support and critical incident instruction. Topics will include the following:

- Crisis recognition
- Crisis intervention and counseling
- Listening skills
- Assessment skills
- Substance abuse identification
- Defusing and debriefing techniques
- Sexual harassment (Federal law mandates that supervisors take action on reported incidents)
- Additional quarterly or yearly training offered by DPSST or other agencies

SECTION 7 – PEER SUPPORT FUNCTIONS

- To provide emotional support to employees who express a need for assistance
- To promote trust, appropriate anonymity, and confidentiality for employees participating in peer support
- To develop employee's ability to anticipate personal conflicts and an awareness of available alternatives for self-help
- To provide support to personnel off duty due to injury or illness
- To identify quality service providers in the community and surrounding area who can be used as counseling referrals

- In most cases, peer support will take the form of on-duty meetings of relatively short duration; however, overtime may be authorized should a peer support member feel it is necessary to submit for it. Overtime approval requests shall be submitted through the Peer Support Team Coordinator or, in his or her absence, another supervisor. Outside of normal duty, overtime will be at the minimum rate of 2 hours if called out. Prearranged defusings and debriefings will attempt to be scheduled during normal hours if possible. The Peer Support Team member need not advise which employee is requesting assistance.
- At the discretion of the Chief of Police or the Chief's designee, assistance of The Dalles Police Peer Support Team may be provided to an outside agency if an agency head request is made. Assistance will be based on availability.
- Assistance of peer support members with members of the opposite sex require the minimum assistance of two peer support members for accountability purposes.

SECTION 8 – CRITICAL INCIDENT FUNCTIONS

To reduce the likelihood of serious post-traumatic stress reactions, the following procedures shall be adhered to:

- In any incident where non-physical trauma can be expected, the Peer Support Team Coordinator or designee will be notified.
- Peer Support personnel on duty, or a specifically requested peer support member during an incident, shall be called to the scene immediately and respond once approved.
- The Peer Support Team Coordinator or Peer Support Team member at the scene shall evaluate the situation and confer with the Peer Support Team Coordinator, if available, to determine if further members shall be notified.

When requested by the employee, or if the incident is of such a nature that trauma can be expected, either a supervisor or the supervisor's designee shall notify an on-call or specifically requested Peer Support Team member to the scene.

Employees may select from any available Peer Support Team member for assistance in handling personal problems.

A chaplain may be requested to respond for assistance.

Critical incident duties shall include the following:

- Immediate response when called upon for critical incidents
- Contact affected personnel to assess his or her needs and provide any necessary help
- Provide emotional support to involved personnel to diffuse any shock reaction he or she may be experiencing
- Provide information on possible reactions the employee or his or her family may experience
- Suggest resources and referrals the employee or family members may require

- Be sure employee gets home safely
- Explain to employee the purpose and procedure of the mandated visits to the psychologist
- Contact employee within three days after the incident, or as necessary, to determine if additional help is needed

SECTION 9 – INTERNAL INVESTIGATIONS

At some point in time, a Peer Support Team member may be supporting an individual who becomes the subject of a disciplinary investigation. A Peer Support Team member should be guided by the confidentiality policy of the Peer Support Team. Peer Support Team members may not hamper or impede the actual investigation, nor may they attempt to shelter the individual from the Department.

The Peer Support Team member's role in disciplinary situations will be one of support in dealing with the problems faced by the person in the disciplinary process.

Peer Support Team members may participate as witnesses before boards and hearings as any Department employee would. They are free to testify on behalf of another employee and, with the permission of the employee, provide information which would normally be considered confidential. When asked or subpoenaed by the Department or other board or body to provide testimony, Peer Support Team members shall appear and testify.

CHAPTER 28 – MEDIA AND PRESS RELEASE

SECTION 1 – PURPOSE

The press is constitutionally protected in their important function of informing the public, particularly in regard to arrests. Accordingly, the press will be accorded the fullest cooperation consistent within guidelines set out below. It is the goal of the Department to be fully cooperative whenever appropriate in providing information to the press.

Press inquiries relating to minor police incidents shall be referred to supervisory personnel. Press inquiries for major incidents will be referred to the Public Information Officer or Captain.

Supervisors in charge of the incident in question shall see that information is released as soon as it is available, regardless of media deadlines, unless a specific time has been set for a press conference. The same information will be provided to all communications media. Accuracy is essential, particularly in identification of persons.

SECTION 2 – INFORMATION RELEASE

1. INFORMATION WHICH CAN BE RELEASED

In accordance with the above guidelines, it is acceptable to release information relating to general facts of all police incidents, including officer-involved shootings, as long as the information does not jeopardize an investigation, a judicial process, privacy and security guidelines, or the guidelines of this Policy. Supervisory personnel may release:

- An arrested person's name (except juveniles), age, residence, employment, marital status, and similar background information. Accuracy is essential.
- If the accused has not been apprehended, any information necessary to aid in his or her apprehension or to warn the public of any dangers the accused may represent.
- The general scope of the investigation including the offense.
- The charge and the amount of bail.
- The identity of the investigating and arresting agency and the length of the investigation.
- The circumstances immediately surrounding an arrest, including the time and place, any resistance, pursuits, and possession and/or use of weapons.
- The basic circumstances surrounding traffic accidents, injuries, reported crimes, rescue operations, and other police incidents.
- The identity and biographical information concerning the complaint or victim (except in fatalities, cases involving sexual offenses, suicide attempts, and mental disorders).

2. PRESS RELEASE OF ON-GOING INCIDENTS

If an incident is not of the magnitude to invoke the emergency incident procedure, but causes a series of media inquiries, the on-duty supervisor of the unit shall designate someone under his or her command to:

- Gather all pertinent facts.
- Go to a location to which inquiries can be routed.
- Advise radio dispatcher, etc., where to route inquiries.
- Cause a press release to be prepared in the Chief of Police's name. The release shall contain the author's name, date, and time of release. Post the release in the records unit for further distribution. (See attached press release draft below).
- Send copies to the Chief of Police and Captain and forward a copy to the records unit.



POLICE DEPARTMENT

CITY of THE DALLES

401 COURT STREET
THE DALLES, OR 97058
(541) 296-2613
FAX (541) 298-2747

Draft Press Release

DATE: (Press Release Date)
TO: (Media, Social Media, City Leadership, Concerned Citizens, Partners)
FROM: (Name, Title)
SUBJECT: (Statement on situation)

3. PRESS RELEASES AND DISTRICT ATTORNEY'S OFFICE

In all major crimes, such as murder, rape, negligent homicide, etc., the District Attorney shall be consulted as to what information may be disseminated to the press and public.

4. INFORMATION WHICH CANNOT BE RELEASED

- The names of juvenile suspects or juveniles taken into custody
- In an accident involving fatalities, the names of victims and cause of death, unless notification of next of kin has been verified
- Opinions about a defendant's character, guilt, or innocence

- Admissions, concessions, or the contents of a statement or alibi attributable to a defendant
- References to the results of investigative procedures such as fingerprint and polygraph examinations, ballistic tests, and possible testimony based on laboratory examinations
- Identification of or statements concerning the credibility or anticipated testimony of suspected witnesses
- Opinions concerning evidence or arguments of a case
- Demeaning comments about the suspect that have no bearing on the case
- Names of victims in sex crimes and mental disorders
- Statements attributing acts to specific individuals. EXAMPLE: Do not say, "A shot B" instead say "A was apparently/allegedly shot. B was arrested in connection with the case."
- Monetary amount of loss
- Any information of a sensitive nature which might interfere with investigation of a case
- Any request for assistance in obtaining evidence
- Prior criminal charges and convictions of suspects
- Names of suspects, unless a warrant has been issued and it would aid in apprehension
- Investigative information relating to child abuse investigations
- Any identifying information obtained from DMV records

SECTION 3 – PHOTOGRAPHS

Photographs of suspects may be released only if a valid law enforcement function is served, such as to aid in their apprehension.

Members shall not pose any person in Department custody, but shall not interfere with the photographing of persons in custody when in public places.

Photos of Department personnel may be released on authorization of the Chief of Police, Captain, or their designee.

CHAPTER 29 – CRIMES AND DEATH INVESTIGATIONS

SECTION 1 – MAJOR CRIME INVESTIGATIONS

1. PROCEDURE AT MAJOR CRIME SCENES

This procedure assures the proper preservation and analysis of crime scene evidence by restricting access to crime scenes to necessary personnel.

2. DUTIES OF UNIFORMED OFFICERS

The first member of the Department arriving at the scene of a major crime is in charge until relieved by his or her supervisor or by investigators. The responsibilities of the uniformed officer at the scene of a major crime are listed below:

- Preserve and freeze the crime scene and summon investigators if needed
- Notify the immediate supervisor of the type of incident and request additional personnel if needed
- Arrest the perpetrator if present
- Protect human life and property
- Isolate witnesses
- Exclude unauthorized persons. All persons who do not have an official duty to perform shall be kept out of the crime scene area.
- Note the names of all persons entering and/or exiting the crime scene and include those names in a report
- Relay information to Central Dispatch regarding the crime and suspects
- Notify the Medical Examiner, District Attorney, and Chief of Police if the incident involves a human death under violent or suspicious circumstances
- Comply with all victims' rights notifications under state law

3. WHEN DETECTIVES ARE TO BE SUMMONED

Detectives shall be immediately summoned to the crime scene in the following cases:

- Human deaths where:
 - Homicide, manslaughter, or negligent homicide is suspected, or suspicious circumstances exist
 - Suicide is suspected
 - The cause of death may reasonably have resulted from other than natural causes
 - The cause is any traffic fatality

- Major assault cases where serious injury has resulted and the possibility of death exists, or any assault where a firearm is used and injury results
- Every investigation involving serious personal injury (shooting, stabbing, etc.) where a duly authorized police officer of this Department either receives or inflicts the injury
- Sexual crimes
- Child abuse cases involving injury to a child
- Those felonies and misdemeanors when a summoning officer believes detectives would contribute to the success of the criminal investigation

Crimes committed by juveniles shall be handled the same as for adults.

4. DUTIES OF DETECTIVES AT CRIME SCENE

In order to maintain the integrity of the chain of custody of evidence, detectives shall have the responsibility for investigating all scenes covered by them relevant to the physical evidence aspects of said crime scenes. The area of responsibility extends to the following:

- Defining, safe-guarding, photographing, and sketching the crime scene (other sworn personnel may be called upon to assist in the security of a given crime scene)
- Locating, identifying, and preserving all items of physical evidence pertinent to solving the crime and identifying the perpetrator
- Analysis and evaluation of all such physical evidence obtained. This includes the responsibility of evidence identification and analysis via the utilization of specific areas of expertise, such as crime labs, geologists, medical examiner, pathologists, etc.
- All pertinent note-taking, log keeping, and report writing
- Assure that all findings obtained from the investigation are communicated to the District Attorney with a minimum of delay

5. AUTHORITY

The detectives shall have the authority and responsibility to safeguard said crime scenes against evidence contamination.

6. RECORDING OF CUSTODIAL INTERVIEWS

Department members shall comply with ORS 133.400 in regard to the requirements to electronically record interviews in a law enforcement facility if it is in connection with an investigation into aggravated murder or any crime listed in ORS 137.700 or ORS 137.707. In addition to aggravated murder, additional offenses that apply include:

- Aggravated Murder/Murder (includes attempted and conspiracy to commit)
- Manslaughter

- Assault I and II
- Kidnap I and II
- Rape I and II
- Sodomy I and II
- Unlawful Sexual Penetration I and II
- Sex Abuse I
- Using a Child in Display of Sexually Explicit Conduct
- Compelling Prostitution
- Robbery I and II
- Arson I and II
- Aggravated Vehicular Homicide/Vehicular Homicide

7. SUMMONING MEMBERS OF THE INVESTIGATIONS UNIT

Members requiring detectives shall notify their supervisor, if on duty. The Detective Sergeant will publish an on-call schedule, and the member or supervisor will generally call the on-call detective. If the circumstances reasonably appear to require multiple detectives or is particularly serious, the Detective Sergeant may be called regardless of on-call schedule. If unable to reach the on-call detective or Detective Sergeant, the Captain and/or Chief may be contacted.

Off-duty detectives should not be summoned when the investigation can be conducted the next day.

The shift supervisor or officer requesting assistance must provide the detective with enough information regarding the case to permit the detective to reach an appropriate determination.

8. WASCO COUNTY MAJOR CRIMES TEAM

If the Wasco County Major Crimes Team is needed, authorization must be obtained from the Captain or Chief of Police.

The Detective Sergeant, or designee, will request the Major Crimes Team response by contacting Central Dispatch to initiate the call-out.

SECTION 2 – MEDICAL EXAMINER CASES & DEATH INVESTIGATIONS

This procedure is intended to establish a thorough pattern of death investigation and to determine when Medical Examiner notification is required in association with a death investigation.

The Medical Examiner or Deputy Medical Examiner, Chief of Police, and District Attorney, in all cases of death, must be notified and shall investigate and certify the cause and manner of all human deaths in the following situations:

- ORS 146.090 states *“The Medical Examiner shall investigate and certify the cause and manner of all human deaths:*
 - *Apparently homicidal, suicidal, or occurring under suspicious or unknown circumstances.*
 - *Resulting from the unlawful use of dangerous or narcotic drugs, or the use or abuse of chemicals or toxic agents.*
 - *Occurring while incarcerated in any jail, correction facility, or in police custody.*
 - *Apparently accidental or following an injury.*
 - *By disease, injury, or toxic agent during or arising from employment.*
 - *While not under the care of a physician during, or deaths arising from, employment.*
 - *Related to disease which might constitute a threat to public health.*
 - *In which a human body has been disposed of in an offensive manner.”*

If the death is natural, the Deputy Medical Examiner (officer) will notify the deceased person's physician and ascertain if the physician will sign the death certificate.

If the physician signs the death certificate as a natural death, the case is not considered a Medical Examiner case; however, a police report will still be taken to document the circumstances.

The officer will also assist the funeral home, and assist in notification of next of kin.

A Medical Examiner report will be completed and the Wasco County Medical Examiner will be notified. Medical Examiner reports are generally submitted by way of Medical Death Investigation (MDI) Log.

If the death is natural, the District Attorney can be contacted the following morning if the death is late at night.

If the death is natural and a Deputy Medical Examiner is not on duty or cannot be contacted, contact notification will be made to the Detective Sergeant or Captain.

Death investigations shall be under the direction of the Medical Examiner and the District Attorney (ORS 146.100).

In a death requiring an investigation under ORS 146.090, no person shall move a body, or body suspected of being human, or remove any of the effects of the deceased or instrument or weapons related to the death, without permission of the Medical Examiner, Deputy Medical Examiner or the District Attorney.

When death has resulted from a traffic accident, the body shall be removed to the Medical Examiner's office, or elsewhere, as directed by the Medical Examiner or District Attorney. In situations where the person is obviously deceased and should be removed to maintain public decency, the officer shall evaluate the scene and may cover the remains, or seek permission from the Medical Examiner or District Attorney to move the body to an appropriate place away from the public view.

SECTION 3 – RAPE AND SODOMY INVESTIGATIONS

The purpose of this Policy is to establish responsibility for the investigation of sex crimes, and establish a procedure for the preliminary investigation of rape and sodomy cases by uniformed personnel.

Officers receiving a call to investigate a rape or sodomy shall adhere to the following procedures:

- An officer dispatched to investigate a sex crime will proceed to the scene as soon as possible.
- On arrival, the scene should be treated like any crime scene and secured to preserve and prevent the contamination of evidence.
- An assessment of the victim should be made to determine if immediate medical attention is required. If so, the officer will summon such assistance as soon as possible.
- The victim's physical and emotional state as well as the condition of any clothing worn by the victim should be carefully noted.
- After confirming the possibility that a crime has been committed, the responding officer(s) shall request a detective response by notifying the on-call detective of the incident. If the on-call detective cannot be reached, the officer shall call the Detective Sergeant.

1. PROCESSING OF CRIME SCENE BY DETECTIVES

Detectives arriving at the scene should arrange for the crime scene to be processed (advise victim not to disturb the scene). Call OSP Crime Lab for assistance when necessary and secure the scene until forensics investigators arrive.

If a rape occurs within a dwelling or other structure, establish where in the building the crime occurred and examine the area for evidence.

Detectives shall take appropriate steps to photograph, preserve, and collect physical evidence.

If possible, have the victim obtain a change of clothing and transport the victim to the hospital for a medical examination and evaluation.

If the victim is taken to the hospital, advise Central Dispatch to have an on-call victim's advocate from Haven respond to the hospital.

At the hospital, medical personnel should be requested to obtain a sexual assault kit from the victim. After the medical examination, the sexual assault kit and the victim's clothing worn at the time of the crime should be secured as evidence. Proper receipts and chain of evidence procedures should be followed.

Following the medical examination, the detective should attempt to conduct an initial interview with the victim.

During the interview, the detective should note any scratches, bruises, cuts, or other injuries that were inflicted as a result of the crime. The location of any injuries should be carefully noted and photographed. The victim should be transported home by the detective if other transportation arrangements have not been made.

The primary detective should ensure that all evidence gathered for forensics examination is forwarded to the OSP Crime Lab as soon as possible.

If sufficient information has been developed, send a teletype including suspect/vehicle, a description of the suspect, and any vehicles thought to be associated with the crime to area law enforcement agencies.

Detectives shall have the primary responsibility for the follow-up investigation of all sexual assault cases, including the identifying and interviewing of any potential witnesses or suspects.

During the initial investigation, if a suspect is located and facts of the case support the victim's allegations, uniformed personnel can make a probable cause arrest.

2. OTHER SEX CRIMES

Incest or sex crimes involving a relative of the suspect shall be initially investigated by a detective.

All sex crimes investigations shall be the responsibility of the detectives. It is acceptable for a patrol officer to respond to the initial complaint and verify the possibility that a crime occurred.

All sex crime victims shall be given information about assistance and counseling services, to include Haven.

SECTION 4 – ARSON INVESTIGATION

The purpose of this Policy is to ensure a coordinated investigation between the Police Department and the Fire Department by establishing the guidelines for patrol and detectives during the investigation of arson fires or fires of suspicious origin.

1. PRELIMINARY INVESTIGATION

The officer assigned to the call shall attempt to ascertain from fire personnel the cause of the fire.

In the event arson is suspected, the officer shall:

- Notify a detective to respond to the scene.
- Complete an incident report.
- Interview all witnesses and/or suspects.
- Ensure that the appropriate fire investigators receive the Police Department file number so that the agency's reports may be cross referenced to TDPD.
- Forward copies of all reports to the investigative unit for follow-up investigation.

2. FOLLOW-UP INVESTIGATORS

Detectives shall have the responsibility for continuation of arson investigations beyond the initial investigation. Assistance may be requested from the OSP arson unit.

SECTION 5 – ELDERLY OR DISABLED ABUSE INVESTIGATIONS

Under no circumstances will a call regarding elderly abuse be given a log entry. A report shall be written detailing the officer's actions and documenting that the Senior Services Division was either notified or forwarded a copy of the report.

1. DEFINITIONS

Abuse -

- Any physical injury caused by other than accidental means, or which appears to be at variance with the explanation given with the injury.
- Neglect which leads to physical harm.
- Abandonment, including desertion or willful forsaking of disabled or elderly persons, or the withdrawal or neglect of duties and obligations owed an elderly person by a caretaker or other person.
- Willful infliction of physical pain or injury.
- Financial exploitation.

Elderly person - defined as being any person 65 years of age or older.

Disabled person - is considered disabled if they meet the definition as established by the Americans with Disabilities Act (ADA) and are eligible for Supplemental Security Income or for general assistance, and meets one of the following criteria:

- Is mentally retarded, developmentally delayed, or mentally or emotionally disturbed and resides in, or needs placement in, a residential program administered by Senior and Disability Services
- Is an alcohol or drug abuser and resides in, or needs placement in, a residential program administered by Senior and Disability Services
- Has a mental or physical impairment
- Impairment has an adverse effect on his or her ability to carry out normal day-to-day activities
 - Mobility
 - Manual dexterity
 - Physical coordination
 - Continence
 - Ability to lift or carry day-to-day objects
 - Speech, hearing, or eyesight
 - Understanding the risk of physical danger

- The adverse effect is substantial and long term (more than 12 months)

2. NURSING HOMES PROCEDURE

When dispatched to a call of an alleged abuse to a person in a nursing home or other care facility, the officer shall respond to the location and attempt to confirm if an abuse or a crime has possibly occurred.

If confirmed, the officer will then request a detective to be dispatched to the facility to investigate. The member shall be especially aware of ORS 163.205 Criminal Mistreatment.

Senior Services shall be notified by calling 541-298-4114. (After-hours numbers are available at Dispatch.) The investigating officer or detective will complete an incident report and immediately notify Senior Services who will provide the follow-up services. (Notification will consist of a copy of the report when it is closed.)

3. OUTSIDE NURSING HOMES OR LONG-TERM CARE FACILITIES

When a report of alleged abuse to an elderly person living outside of a nursing home or long-term care facility is received, the member receiving it shall:

- Notify Senior Services by phone if during business hours.
- Direct a copy of the report to Senior Services if during non-business hours.
- Call a Detective.
- Conduct a complete and thorough investigation, being especially aware of ORS 163.205 (Criminal Mistreatment).
- Take appropriate enforcement action, including a custody arrest of the perpetrator, if warranted.

The elderly person may be photographed for the purpose of preserving evidence of the condition of the patient at the time of the investigation.

When Senior Services is not open for business and a member feels it is necessary to remove an elderly person from a long-term care facility or a private residence due to abuse or neglect, and the person is agreeable, all efforts should be made to place him or her with a friend or relative. If the person is unable to care for himself or herself, an ambulance or taxi will be called to transport him or her to a hospital. In either case, an incident report will be completed and a copy forwarded to Senior Services.

The Detectives Office will be responsible for any follow-up investigations of a criminal nature.

4. CONFIDENTIALITY

The name of anyone reporting elderly abuse is confidential. Members who investigate elderly abuse cases shall not disclose the name of the complainant except by consent or by judicial process.

The names of persons reporting nursing home abuse are also confidential and shall not be disclosed.

5. RESTRAINING ORDERS TO PREVENT ABUSE OF ELDERLY OR DISABLED PERSONS

Department members should be aware that Oregon state law, specifically the Elderly or Disabled Person Abuse Prevention Act, establishes that special restraining orders are available to protect this class of victim from former caregivers who may have abused them.

6. PUBLIC OFFICIALS' DUTY TO REPORT

Any public or private official having reasonable cause to believe that any person 65 years of age or older with whom the official comes in contact, while acting in an official capacity, has suffered abuse, or that any person with whom the official comes in contact while acting in an official capacity has abused a person 65 years of age or older, shall report or cause a report to be made in the manner required in ORS 124.065.

SECTION 6 – RACIAL, RELIGIOUS, AND ETHNIC INTIMIDATION INVESTIGATIONS

The purpose of this Policy is to establish a procedure for the investigation of incidents of racially, religiously, or ethnically motivated violence; harassment; intimidation to community members; national origin; or sexual orientation.

Incidents such as vandalism, harassment, or menacing take on added significance when they are racially, religiously, or ethnically motivated. When acts are not racially motivated, they are often seen as minor or insignificant by both the victim and the police. But when the same acts have racial, ethnic, or religious overtones, the social and moral significance attached to them is greatly increased. Members who are assigned to investigate such incidents shall use the utmost tact, sensitivity, and professionalism in dealing with victims. It is the Policy of the Department that all acts of racially, ethnically, or religiously motivated violence; harassment; or property damage shall be viewed as major incidents and shall be promptly and thoroughly investigated and reported.

Crimes Included (Not Inclusive)

- Bias Crime in the Second Degree (ORS 166.155) (formally Intimidation 2)
- Bias Crime in the First Degree (ORS 166.165) (formally intimidation 1)

Members who are dispatched to an incident that either appears to be racially or religiously motivated, or the victim believes it to be racially, religiously, or ethnically motivated, shall:

- Conduct a thorough and complete investigation.
- Notify the Shift Sergeant of the nature of the incident and progress of the investigation.
- Notify the Detective unit, who shall respond to process the scene as soon as possible if needed.
- Complete the necessary incident reports.

The Shift Sergeant shall ensure that a copy of the report is forwarded to the Chief of Police no later than the start of the next working day.

Members who investigate such incidents shall inform the victim(s) of the provisions of ORS 30.190, which includes:

- The ability to secure a civil injunction against any persons whose actions are unlawful under ORS 166.155 and ORS 166.165.
- The ability to recover damages, including special and general damages, damages for emotional distress, punitive damages, and reasonable attorney's fees and costs from such persons.

After a thorough preliminary investigation, incidents of religious or ethnic intimidation (bias crime) shall be referred to the investigative unit for follow-up investigation.

SECTION 7 – FRAUD INVESTIGATION

Uniform officers shall be responsible for the initial investigation of all reported occurrences where stolen or forged checks and credit cards have been used.

The initial investigation will include, when possible, any documentation that substantiates the reported activity.

If sufficient evidence exists to establish a forgery suspect, responding officers shall conduct a follow-up investigation, within the scope of their ability, in an effort to clear the reported incident.

All evidence of the crime (i.e. the check or credit card or signed draft) shall be secured and tagged as evidence.

1. CASES NOT INVOLVING FORGERIES

If it is determined that the check involved is not forged or stolen, no report shall be taken, and the complainant shall be advised to contact the District Attorney for advice or complaints.

2. NON-SUFFICIENT FUNDS / CHECKS WRITTEN ON CLOSED ACCOUNT

Reports of non-sufficient checks will be investigated by the responding patrol officer. Assistance from a detective may be requested if necessary.

3. FRAUD CRIMES OTHER THAN FORGERIES

Fraud crimes such as scams, thefts by deception, employee embezzlements, etc., shall be investigated and shall be the responsibility of the patrol officer. Further follow-up may be done by detectives. Assistance on fraud crimes is available from detectives upon request.

4. LOST OR STOLEN CHECKS

The investigation of stolen or lost credit cards or checks shall be conducted as any other theft case. Incident reports shall be utilized to indicate the theft of checks or credit cards.

A forgery victim is the person who stands the monetary loss when the forger passes a check or credit card.

SECTION 8 – CRIMINAL TRESPASS

This Policy is intended to provide guidelines for the use of the criminal trespass law which is a means of control for disruptive behavior in businesses, schools, and private property.

Merchants and other citizens who have a problem of disruptive or potential criminal behavior on private property or business property open to the public, including, but not limited to, schools, restaurants, taverns, and shopping centers, should be informed of the Criminal Trespass II Statutes (ORS 164.245).

In order to establish the appropriate elements to ensure effective prosecution for violation of the criminal trespass statutes, the owner, manager, or his or her authorized representative such as a private security agent, must inform the offender of the following:

- The person's authority as manager, property owner, or authorized representative
- That the offending subject is ordered to leave the premises or the subject will be arrested for criminal trespass

If the person fails to leave or returns after having been given a trespass notice from the property, the person has committed the crime and can be arrested.

A person can be banned for a temporary time period or the person can be informed he or she is banned permanently. If so, the person must be specifically informed that the person is banned for a specified time period or that the person is permanently banned. The person should be informed that he or she can be arrested merely on his or her reappearance during the prohibited time without being warned a second time and without being given an opportunity to leave. The warning must be specific that the person is not to return for the designated time period and that if the person does, an arrest will be made. It cannot be merely a generalized order to leave if it is to be valid for future occasions. A record should be available of when the warning was given and by whom.

A person can be ordered off the property for conduct prohibited by the owner or manager.

Example: A proprietor can designate prohibited conduct to include remaining on premises too long after making a purchase, not staying in cars, not parked in proper spaces, disruptive behavior, drinking liquor on premises, rude or loud behavior, or any other conduct which the management feels disrupts the normal flow of business.

An example of a non-valid expulsion would be for status only, such as being in a protected class, race, religion, creed, or membership in a group such as a motorcycle gang.

No signs posted on the property prohibiting any conduct are necessary before a criminal trespass is valid.

CHAPTER 30 – EYEWITNESS PROCEDURES

SECTION 1 – PURPOSE AND DEFINITIONS

1. PURPOSE

The purpose of this Policy is to provide procedures for obtaining objective results when preparing and conducting photo lineups and show-ups.

It is the Policy of this Department that eyewitness identifications be conducted in a manner most likely to assess witnesses' true and reliable recollections, and in compliance with state and federal constitutional requirements.

2. DEFINITIONS

Blind Presentation – The presenter does not know who the suspect is. Also known as double-blind presentation

Blinded Presentation – The equivalent of a blind presentation – conducted when the presenter knows who the suspect is. Also known as functionally equivalent presentation

Confidence Statement – A witness's statement about his or her selection and of his or her confidence that the selection is the suspect – taken immediately after a pick has been made

Photo Lineup – A presentation of photographs of persons

Presenter – The officer presenting a lineup

Show-up – A presentation of a live person in the field that is close in time and proximity to the incident under investigation

Sequential – A presentation of photographs one at a time, retrieving one photo before presenting another

Simultaneous – A presentation at the same time of photographs arrayed together, either manually constructed or computer generated

SECTION 2 – PROCEDURE

1. DOCUMENTATION

- Instructions to witnesses shall be read from the Eyewitness Identification form. The form shall also include the witnesses' affirmations of their confidence statements.
- In addition to documentation in the incident report(s) and on Eyewitness Identification forms, when it is reasonable and practical, presenters should record the presentations.
- Lineups, forms, and recordings shall be treated as evidence, with copies of the lineups and forms included in the case file, whether or not the witnesses made identifications.
- If a photo lineup is developed electronically, the lineup shall be printed for documentation.
- See also Chapter 30, Section 2.8 – Post-Presentation Interview and Documentation.

2. WITNESSES WITH LIMITED ENGLISH PROFICIENCY

If a witness to a criminal offense does not fluently speak the English language or otherwise has difficulty communicating (e.g., hearing impaired), officers should make reasonable efforts to arrange for an interpreter before proceeding with an eyewitness identification.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain to the interpreter the process that will be utilized. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this Policy.

3. PHOTO LINEUP

When a photo lineup is used for suspect identification, a blind or blinded sequential presentation should be made; consequently, the procedures that appear below are designed primarily for blind or blinded sequential presentations. If another photo lineup method is used – including a simultaneous presentation or a sequential presentation that is not blind or blinded – the reason(s) for using that method shall be documented.

4. DEVELOPMENT OF A PHOTO LINEUP

Officers should obtain a thorough suspect description from each witness before developing a photo lineup. (Note that variant witness descriptions may require the presentation of different photo lineups to different witnesses.)

- A photo lineup shall consist of no fewer than six photographs, including one of the suspect.
- All photos should be similarly sized and none should be easily distinguished from the others.
- Filler photographs (not of a suspect) should generally fit the witness's(es') description of the suspect. Because all photographs possess both common and variable features, the common features should be those that match the witness's(es') description, whereas the remaining (i.e., non-recalled or undescribed) features may vary.
- When there is a limited or insufficient suspect description, or when the suspect description differs significantly from the available photograph(s) of the suspect, the filler photographs should resemble the suspect photograph, not the description.
- The photos shall be numbered and shall be loose or in individual folders.
- When conducting a single lineup for multiple witnesses, the photographs should be renumbered for each witness.

5. PRESENTATION OF A PHOTO LINEUP

Prior to a presentation, the presenter shall read the witness instructions from the Eyewitness Identification form, ensuring and documenting that the witness understands the instructions.

6. BLIND PRESENTATION

In a blind presentation, the identity of the suspect is not known to the presenter.

The presenter shall present the photos to the witness sequentially, with one photo replacing another so that no two are presented at the same time.

The presenter shall present each photo to the witness, even if the witness identifies a previous photo as the suspect.

If, during the same presentation, the witness asks to see one or more photos again, the presenter may conduct the same presentation a second time but must present all of the photos, using the same method.

7. BLINDED PRESENTATION

In a blinded presentation, the identity of the suspect is known to the presenter. An extra measure should be taken to prevent the presenter from knowing which photo is being shown to the witness.

The photos shall be placed in identical folders, with the folders numbered and in a shuffled sequence. Each photo shall be presented in such a way that only the witness can see the photo; the presenter is thus “blinded” to the process and cannot be suggestive.

The presentation shall continue as above.

8. POST-PRESENTATION INTERVIEW AND DOCUMENTATION

Following the presentation of a photo lineup, the presenter should avoid any words or actions that might identify the suspect or hinder further investigation.

If the witness picks a photo, the presenter shall ask the witness to describe why the photo was selected and to describe the confidence he or she has in the selection. The presenter should obtain a description of that confidence, not just a scaled assessment (e.g., not “90% sure” or “six out of ten”). The witness’s responses to the questions – commonly referred to together as a “confidence statement” – shall be carefully documented on the Eyewitness Identification form and, later, more completely in the report.

The presenter shall ask the witness to affirm the confidence statement on the Eyewitness Identification form.

9. DUPLICATION OF PRESENTATION

Presentations separated by time not involving the same suspect are discouraged. It is recommended that a suspect not be presented for identification more than once in any form to the same witness. If this does occur, the reason(s) why a subsequent presentation was made shall be documented.

10. SHOW-UPS

Photo lineups are preferable to show-ups; however, some circumstances require the prompt display of a suspect to a witness. Show-ups should be conducted as follows:

- Consider if a photo lineup can be conducted instead.
- Obtain a thorough description of the suspect from each witness prior to the show-up.
- Ensure all officers avoid suggestive words or conduct while preparing for the presentation.

- If possible, avoid unnecessarily tarnishing the suspect by, for example, presenting a suspect in handcuffs or from the backseat of a patrol car.
- Transport the witness, not the suspect, as required by ORS 131.615.
- Separate witnesses to avoid communication between them.
- Read the instructions from the Eyewitness Identification form, ensuring and documenting that the witness understands the instructions.
- Document the witness's statement on the Eyewitness Identification form.
- When possible, record the presentation.

11. TRAINING

All sworn personnel shall receive training on this Policy and the presentation of lineups and show-ups.

EYEWITNESS IDENTIFICATION FORM - PHOTO LINEUP

Case Number: _____ Presenter Name: _____

Date and Time of Presentation: _____ Witness Name: _____

INSTRUCTIONS (READ BY OFFICER TO WITNESS)

“In a moment I’m going to show you some photographs. A photograph of the person who committed the crime may or may not be among them. You will be shown all of the photographs and you may take your time looking at them.

“If you see the person who committed the crime, pick that photograph. If not, don’t pick any photograph.

“If you pick a photograph, I’m going to ask you to explain why you picked that photograph and to describe how confident you are.

“Do you understand these instructions?”

WITNESS STATEMENT (WRITTEN BY OFFICER)

Witness picked photograph number: _____

“Why did you pick that photograph and describe how confident you are?”

NOTE: avoid scales such as “80%” or “6 out of 10”

I, _____, affirm that I read or was read the instructions above, I understood the instructions, and the statement written by the officer accurately reflects what I said.

Finally, I understand that I should not talk to other people about the photos or tell them which photo I picked, if any.

Signature of Witness _____

EYEWITNESS IDENTIFICATION FORM – SHOW-UP

Case Number: _____

Presenter Name: _____

Date and Time of Presentation: _____

Witness Name: _____

INSTRUCTIONS (READ BY OFFICERS TO WITNESS)

“In a moment a person is going to be shown to you. Just because the person is being shown to you or because police officers are standing nearby does not mean the person committed the crime or any other crime.

“If you tell me you recognize the person as the person who committed the crime, I’m going to ask you to explain why you recognize him or her as the same person and to describe how confident you are.

“Do you understand these instructions?”

WITNESS STATEMENT (WRITTEN BY OFFICER)

“Why did you recognize that person and describe how confident you are?”

NOTE: avoid scales such as “80%” or “6 out of 10”

I, _____, affirm that I read or was read the instructions above, I understood the instructions, and the statement written by the officer accurately reflects what I said.

Signature of Witness _____

CHAPTER 31 – HOSTAGE SITUATION

SECTION 1 – RESPONSE

In every hostage situation, the primary goal shall be to ensure the safety of the hostage, citizens in the area, and police personnel. The secondary goal shall be the safe capture of the perpetrator(s).

Until being relieved by a member of superior rank, the officer receiving the initial call to a hostage situation shall be responsible for that situation and shall take the following steps:

- Proceed immediately to the scene of the incident while avoiding the use of emergency lights and sirens in the immediate area of the incident.
- Deploy all responding personnel to specific positions in order to maximize the safe arrival of responding personnel and coverage of the area.
- Determine if a hostage situation does exist. If the hostage situation is verified, take the following steps:
 - Notify, via radio or cell phone, Dispatch and give a brief description of the situation and request that the Chief of Police and Captain be notified. If needed, the Chief of Police or Captain will call out the Special Emergency Response Team (SERT). If needed, a hostage negotiator shall also be summoned.
 - Locate and isolate the suspect(s) and determine, if possible, the number of hostages involved and types of weapons used by the suspect(s).
- Determine if anyone has been injured.
- Establish a safe perimeter around the crisis point and remove all persons from within that perimeter, keeping in mind the long-range accuracy and penetrating power of possible rifles in the hands of the suspect(s).
- Once the evacuation of the outer perimeter area has been completed, attempt to establish and maintain contact with the suspect(s) and begin negotiations.
- Establish the suspect's(s') demands.
- Attempt to gain intelligence information concerning the situation within the crisis point, such as physical condition and location of hostages.
- The Incident Commander will attempt a forced entry into the crisis point prior to the arrival of the Special Emergency Response Team (SERT) only if it appears that any time delay of a rescue attempt would present an immediate threat to the lives of the hostages.
- Upon the arrival and deployment of the Special Emergency Response Team (SERT), other personnel will be withdrawn from the area immediately around the crisis point. This area will be designated as the inner perimeter. Other personnel will fall back to the further consolidated areas around the crisis point to prevent access by civilians. This outer safety zone will be called the outer perimeter.

1. APPOINTMENT OF SPECIALIZED DUTIES

The Chief of Police, by issuance of Special Orders, shall appoint Department personnel to specific duty assignments during situations requiring a Special Emergency Response Team (SERT) action, including:

- Incident Commander - Member of command staff responsible for overall command and conduct of the operation. The Chief of Police may assume this role at the Chief's option. The on-duty Sergeant at the time of the incident has this role unless relieved.
- Hostage Negotiators - Appropriately trained primary and secondary negotiators shall be designated.
- The Special Emergency Response Team (SERT) Supervisor will be responsible for the deployment and control of special weapons and personnel immediately around the crisis point. The SERT Supervisor shall be under the direct supervision of the Incident Commander.

2. INCIDENT COMMANDER RESPONSIBILITIES

Upon arriving at the scene of a hostage situation, the Incident Commander can exercise additional options depending on the circumstances:

- Determine if additional Department members are needed at the scene, or if some members already committed can be released.
- Establish a safe location for a command post with the following criteria in mind:
 - Is out of visual observation and field of fire of the suspect(s)
 - Has communication capability with negotiators, perimeter elements, and others involved
 - Is readily accessible by responding elements without exposure to the suspect's(s') field of fire
 - Is secure from interference by members of the media and the public. Command post location will be transmitted to all responding units as the assembly point.
 - The ranking officer on duty from the Wasco County Sheriff's Office, Oregon State Police and, when applicable, the FBI, will be requested to report to the command post.
- Determine if specialized support is necessary, considering the following:
 - Department members trained in hostage negotiation
 - Special weapons personnel, including advanced teams from other agencies
 - Detective personnel
 - Department/emergency rescue personnel
 - Ambulance personnel
 - Medical/psychiatric specialists

- Explosive device specialists from the Portland Police Bureau, Oregon State Police and/or US Army at Vancouver barracks
- Additional tactical team personnel available from the Portland Police Bureau, Clackamas County Sheriff's Office, Oregon State Police, or F.B.I. SWAT teams
- Public Information Officer to coordinate with news media
- Maintain a command log of significant events during the operation.
- Review and maintain safe perimeter as operation progresses, keeping in mind the following definitions:
 - Inside perimeter - the immediate area of containment, manned by uniform and special weapons personnel only
 - Outside perimeter - a secondary control area surrounding the inside perimeter
- Members of the media and the public will be diverted beyond the outside perimeter.

3. DETECTIVE'S ROLE IN A HOSTAGE SITUATION

- Debrief hostages released by the suspect(s)
- Interrogate suspect(s) that have surrendered or been taken into custody
- Gather information from Police personnel
- Interview members of the public who may have information
- Ensure that the immediate area of the hostage situation is treated as a crime scene

SECTION 2 – NEGOTIATIONS

1. HOSTAGE NEGOTIATOR

Persons negotiating with the suspect(s) shall be under the command of the Incident Commander. Communications with the command post will be maintained at all times. Negotiations shall be conducted by the most capable individual, considering:

- Department members on duty who have been trained in hostage negotiation techniques.
- The member who made initial contact with the suspect(s) may have developed some rapport with the suspect(s), and should remain to negotiate or to assist the trained negotiator.
- The negotiator should not be the ranking member on the scene, as he or she should be able to "stall" a suspect(s) by deferring to a higher authority on decisions in negotiations.
- The negotiator should have no responsibilities other than dealing with the suspect(s).

2. NEGOTIATING WITH THE SUSPECT

The following guidelines shall be observed by personnel negotiating with hostage takers:

- Every attempt shall be made to stall for time, realizing that as the length of time that negotiations are carried out increases, so does the chance of a favorable solution.
- Additional weapons shall never be given to the suspect(s).
- Department members shall not offer themselves in exchange for hostages.

Officers, to the best of their ability, should attempt to contain the hostage situation in one location and not allow the suspect to move the hostage.

The following guidelines shall be observed by Department personnel assigned to a hostage situation:

- In a hostage situation, deployment of Police personnel shall be out of sight of the suspect, when possible.
- All personnel shall remain observant, collect pertinent information, and remain in constant contact with the command post.
- All personnel shall keep unauthorized persons beyond the outer perimeter established by the Incident Commander.
- No one shall take any independent action with respect to the suspect(s) or hostage(s) unless a human life is in immediate danger.
- All Department members in plain clothes shall wear identification clearly visible on their outermost article of clothing.
- Department members reporting to the scene on off-duty status will report directly to the command post for assignment or release from the scene.

SECTION 3 – COMMAND PERSONNEL

The arrival of the command personnel does not constitute an automatic change of Incident Commander; however, the ranking officer on the scene shall have ultimate responsibility for the operation.

When a Department member of superior rank wishes to assume command of the operation, he or she shall make that decision clearly known to the pre-existing officer in charge and all members in the field.

A member assuming command of the operation shall conduct operations using this section of this Procedure Manual as a basic guideline.

1. OUTSIDE AGENCY PERSONNEL

The Incident Commander shall liaison with senior representatives of any outside agencies and members at the scene. The following understandings shall be reached, or the members of that agency ordered to clear the scene:

- All members of an outside agency adhere strictly to the direction of the Incident Commander.
- All members of an outside agency directly involved with a situation have direct communication with the Incident Commander.

Exception: In the event the Department utilizes another agency's tactical squad, the leader of the tactical squad shall have complete control over the Department's officers while the tactical squad leader is performing his or her duty. The Department shall, however, reserve the right to decide when to utilize the tactical squad and when to recall them from an incident.

All members of an outside agency shall adhere to the City of The Dalles Police Department's Use of Firearms Policy as directed by the section of The Dalles Police Department Procedure Manual.

2. TERMINATION OF OPERATION

The supervisor shall ensure that arrested persons are properly booked and all required reports are submitted by the termination of the shift.

The supervisor shall ensure that all standby units and personnel not essential to completion of the operation are released.

The supervisor shall assemble all available information, then conduct an operational critique and debriefing as soon as is practical.

CHAPTER 32 – DOMESTIC CALLS

SECTION 1 – GUIDELINES

This Policy is to ensure the uniform enforcement of the Oregon Domestic Disturbance Law (ORS 133.055) and the Oregon Abuse Prevention Act (ORS 107.700 at seq.)

For the purpose of this section, household and family members are spouses; former spouses; adult persons related by blood, marriage or adoptions; persons of opposite sex residing together or who formerly resided together; persons cohabitating or who have cohabitated; persons who have been sexually intimate with each other within two (2) years (including same sex relationships); and, persons who are unmarried parents of a child.

It is the Policy of the Department that when responding to domestic disturbance calls, officer safety and the safety of all people involved is the highest priority.

- A member shall arrest and take into custody the offender if the dispute involves family or household members, and responding members have probable cause to believe one of the persons has either:
 - Assaulted the other person.
 - Placed the other person in fear of imminent serious physical injury.
 - Committed strangulation.
- In this situation, a full custody arrest will be made even if the victim does not want the offender arrested and a report will be completed.

If the suspect has left the scene, the members shall make a reasonable effort to locate, arrest, and take the subject into custody. If the suspect is not located, members will arrange a safety plan with the victim, and a detailed report will be submitted to the District Attorney's Office for charges and/or warrants as appropriate.

GUIDELINES FOR DOMESTIC VIOLENCE INVESTIGATIONS:

- Ensure officer safety
- Ensure safety of ALL persons on scene
- Protect the scene (Secure weapons)
- Be alert to "Excited Utterances"
- Make note of the emotional state of BOTH the victim and the suspect
- Obtain recorded statements of the victim, the suspect, and any witnesses
- Determine probable cause (Arrest may be made now. Consider obtaining detailed suspect statement prior to Miranda.)

- Locate ALL children present, assess their welfare, and interview (Obtain name, DOB, and how they are related to the victim and suspect)
- Document and photograph ALL injuries of BOTH the victim and the suspect (evaluate defensive injuries), and any disarray or damage caused by the incident
- Record your observations of the scene (furniture or personal items broken or displaced; damage to walls)
- Identify and collect physical evidence
- ORS 133.055 Sub. 2 requires the officer to:
 - Compare seriousness of injuries and threats
 - Obtain history of domestic violence
 - Evaluate self-defense injuries
 - Assess potential for future assaults
- Advise victim of necessary investigative follow-up:
 - Ask victim to sign Release of Medical Records form for any medical treatment received
 - Provide follow-up photos within 48 to 96 hours
 - Provide victim with a domestic violence resource guide
 - Inform victim of available resources and how to contact
- Officers may provide standby assistance at the scene of a domestic violence call. This should generally be brief to ensure peace while a party gathers items to depart. The Dalles Police Department generally does not provide scheduled standby services for planned events.
- Provide the victim a domestic violence resource guide, which may also be known locally as a Haven pamphlet, that includes information and resources for domestic violence survivors or victims, including the process and assistance for applying for a restraining order.
- Officers may seize weapons that are present at a domestic violence incident if they are evidence or, if they are not evidence, for safekeeping if the victim wishes them to be removed from the residence. In either case, a receipt will be issued for the weapon, and the weapon and its disposition will be noted in the report.

SECTION 2 – VIOLATION OF CONDITIONS OF RELEASE ORS 133.310 (6) NO CONTACT WITH VICTIM

If a person is charged with an offense that constitutes domestic violence, and is released with a No Contact with Victim condition, it is a crime if he or she violates that condition. In this circumstance, should a suspect violate the conditions of his or her release on a domestic violence offense, it is a mandatory arrest under ORS 133.310 (6).

Officers should be aware that the offense must constitute domestic violence. Domestic violence is defined in ORS 135.230 as an assault, attempted assault, menacing, or strangulation.

Harassment arrests during domestic violence incidents do not fit the criteria as outlined in ORS 135.230. If the original charge was harassment, ORS 166.065, violations of the release agreement are not mandatory arrest situations, and a report should be written and forwarded to the District Attorney so a warrant can be issued.

SECTION 3 – OFFICER-INVOLVED DOMESTIC VIOLENCE

Incidents of domestic violence are serious crimes that touch families of all backgrounds, socioeconomic levels, and professions. Unfortunately, this sometimes includes members of the law enforcement profession. Officers must always remember that their oath of office and commitment to the protection of victims of crimes, and to the fair and impartial enforcement of law, trumps any friendship or loyalty to any particular individual. The ethical fitness of the members involved, the public trust of the Police Department, and the safety of the victims are at stake.

1. PURPOSE

This Policy is intended to establish procedures for handling accusations that a member of the Department or a law enforcement officer from another agency has committed or may commit an act of domestic violence. These procedures will ensure prompt and impartial investigation to protect the safety of family members and the rights of everyone involved. Members of a police agency are rightly held to a higher standard of conduct, and the Department has a duty to hold members accountable for misconduct and to protect family members. The Department will have zero tolerance for any member found, either by criminal conviction or by internal disciplinary investigation, to have committed a criminal act of domestic violence.

This Policy is also intended to support members and healthy family relationships in cases where no violence or crime has been committed. A career in law enforcement is inherently stressful on the member and the member's loved ones. Any member who is experiencing stress or difficulty at home or with relationships (where no domestic violence has occurred) is encouraged to take advantage of peer support groups, the Employee Assistance Program, the chaplaincy, or other professional support.

2. DEFINITIONS

Domestic violence – abuse as defined by ORS 135.230

Department member – includes both sworn and unsworn employees of the Department

Zero Tolerance – any member found to have committed an act of criminal domestic violence will be subject to discipline including termination

3. DUTIES OF DEPARTMENT MEMBERS

All Department members have a duty to report:

- Any knowledge of a Department member (regardless of rank) who is involved in domestic violence.
- Any knowledge of a law enforcement officer of any other agency who is involved in domestic violence.

- Any member who is the subject of a domestic violence investigation, is arrested for a domestic violence related offense, or who is served with a Family Abuse Prevention Act restraining order or similar protective order has a duty to self-report.
- Exception: a member who is the victim of domestic violence cannot be required to report, even if the abuser is a law enforcement officer. A member who is a victim is encouraged to report, however, and is also encouraged to take advantage of support services.

Department members with knowledge listed above will report as soon as possible. The report may initially be verbal with a written report to follow. Department members will report to a supervisor, preferably of higher rank than the accused member. In the case where the member accused of engaging in domestic violence is the agency head, the member with knowledge will report to the highest-ranking person available at the local Oregon State Police office, and to the City Manager.

Any Department member who fails to report knowledge of abuse in a timely manner as required by this policy will be subject to discipline, up to and including termination.

4. DUTY OF REPORTING MEMBER TO COOPERATE FULLY

Any member with knowledge of abuse by another Department member or by a law enforcement officer of another agency also has a duty to cooperate fully with the investigation. This duty includes providing a full and accurate account of his or her knowledge to the officers investigating the case, and to the Prosecuting Attorney, as well as to any supervisor conducting an internal investigation.

Any attempt to interfere with the investigation, to tamper with a witness, or to willfully withhold relevant information is strictly prohibited. Members are also required to maintain strict confidentiality of any information where failure to do so could compromise the investigation or the safety of parties involved. An example of such information would be the location of a safe house for the victim.

5. DEPARTMENT RESPONSE TO DISPATCHED CALL OF DOMESTIC VIOLENCE INVOLVING A DEPARTMENT MEMBER

As with any call of domestic violence in progress, this agency will promptly respond to the scene of any allegation of domestic violence within the City and will make the scene safe and document any observations or statements regarding any crime that may have been committed. Safety of the victim is always a primary concern.

As in any other domestic violence call, audio recording or audio/video recording should be used as soon as possible. Those being recorded must be advised of the recording.

If it appears that a Department member is involved in an incident of domestic violence, either as a suspect or a victim, the responding officers will immediately notify a supervisor of higher rank than the involved member. It is recommended that a supervisor respond to the scene, if able.

The supervisor will determine if another agency will be summoned to continue the investigation. Though officers on the scene may feel they can conduct a fair and unbiased investigation, in a Department the size of TDPD, all members know each other well, and it is therefore recommended that an outside agency be asked to conduct the investigation if there is any indication a crime may have been committed. To maintain the public's trust, it is not enough to be fair and unbiased; the Department and its members must avoid even the appearance of impropriety.

If another agency is called in, all members summoned to the call will provide any and all information related to the incident to the members of the investigating agency, and will cooperate fully.

If probable cause exists that a crime of domestic violence has occurred where arrest is mandated by law, the arrest will be made (preferably by the outside agency).

In a case where there is probable cause that a lesser crime has been committed, such as harassment, an arrest will be made if the victim wishes to press charges, or if it appears to the investigating agency that such an arrest is necessary to ensure the safety of the victim.

The supervisor will notify the Captain or Chief of Police of the incident, even if it is determined that no probable cause for arrest exists and no arrest is made.

6. IF AN ARREST IS MADE

Responding Member Duties

- In cases where an outside agency has been called in, Department members who responded to the incident will provide the investigating agency with a full and complete verbal account of what has occurred.
- All members who responded to the domestic violence call will prepare a thorough and complete police report promptly, and the supervisor will ensure the report is promptly delivered to the investigating agency and to the District Attorney.
- Responding members will also provide the investigating agency with any photographs, audio recordings, or other evidence related to the incident.
- All members will cooperate fully with the investigating agency and with the Prosecuting Attorney. Any effort to interfere with the investigation, to tamper with a witness, or to knowingly withhold relevant information will be considered a serious disciplinary and ethical violation which may result in progressive discipline up to and including termination.

Supervisor Responsibilities

- The notified supervisor will inform the Chief of Police of the arrest of a Department member as soon as possible.
- The supervisor will take possession of the member's badges, Department keys, and Department firearms (unless the investigating agency requires any of those items as evidence, in which case the supervisor will take possession of the property receipt issued by the investigating agency).
- The supervisor will coordinate with the investigating agency to ensure that any additional firearms are taken for safekeeping if the victim desires, that victim advocates (Haven) are notified, and that a risk assessment and a safety plan is made to protect the victim.
- The supervisor will confer with the investigating agency to ensure the District Attorney or Deputy District Attorney has been notified of the arrest and circumstances.
- The supervisor will generally prepare a written notice of administrative leave and present it to the arrested member. The notice will explain that such leave is not a disciplinary action, that the

member on leave will receive full salary and benefits, that the member is not to take police action or use police authority during the duration of the leave, and that while on administrative leave the member is not to be in the non-public areas of the Police Department without approval by the Chief or Captain.

- The arrest of a member for a crime of domestic violence will automatically trigger an internal investigation to determine if any Policy violation or disciplinary issue has occurred. The criminal investigation and prosecution take precedence, however, and the opening of an internal investigation may be delayed as necessary to protect the integrity of the criminal case.

7. OTHER SITUATIONS WHICH MAY TRIGGER A CRIMINAL AND/OR INTERNAL DISCIPLINARY INVESTIGATION

Any Department member receiving an allegation of past domestic violence or a pattern of abuse by a Department member will take down the relevant information and will promptly report to a supervisor of higher rank than the accused member.

Such a report may be made by the victim, a family member, or by any person having knowledge of domestic abuse committed by a Department member.

The supervisor who receives such a report, or a member mandated to make such a report, will notify the Chief of Police and Captain (unless the Chief or Captain is the accused member). If the circumstances reasonably appear to be criminal in nature, the supervisor will determine if an outside agency will conduct the criminal investigation (which is highly recommended).

The supervisor will also determine if the seriousness of the allegation or the risk to the victim requires that the accused member be placed on administrative leave during the course of the criminal investigation. In a case where notifying the Department member of the allegation (by way of placing the member on leave) may complicate the criminal investigation, the supervisor should coordinate with the agency conducting the criminal investigation.

8. WHEN A RESTRAINING ORDER IS ISSUED

When the Department learns that a member is the respondent in a Family Abuse Prevention Act restraining order, or other protective order, the fact that a judge found sufficient grounds to believe that the respondent (Department member) is a threat to the physical safety of the petitioner and/or children will trigger an internal investigation. Any member learning of such an order will report to a supervisor of higher rank than the member who is subject to the order. That supervisor will notify the Chief of Police.

A supervisor will seek to obtain a copy of the motion to issue the protective order and, if the motion alleges behavior by the Department member which may be criminal, the supervisor will determine if another agency will conduct the criminal investigation.

If a Department member is issued a restraining order, the Department will start an internal/disciplinary investigation.

SB525 and ORS 166.255(2) allow an exception for the usual prohibition of a respondent in a family violence protective order to possess firearms, allowing police officers to possess Department-issued firearms while on duty. It shall be the Policy of this Department, however, not to allow such an exception.

A supervisor will therefore collect any Department-issued firearms from a Department member who has been served a Family Violence Protective Order or other restraining order.

The supervisor will then determine if the Department member will be placed on administrative leave or be assigned other duties that do not require being armed.

Such leave or special assignment shall not be considered disciplinary and is intended to protect the petitioner of the order and the public, while also protecting the respondent Department member's right to due process. This administrative leave or special assignment will last until the member/respondent has had an opportunity to contest the protection order, or the 30-day period of opportunity to contest the restraining order has elapsed, or until the criminal investigation or internal investigation determines the member/respondent has committed a criminal act of domestic violence.

9. NON-CRIMINAL INCIDENTS OF DOMESTIC NATURE

In the case where the Department becomes aware of a domestic-related incident where no crime, injury, or threat of injury has occurred, an internal disciplinary investigation may be conducted if it appears Department Policy has been violated.

An example might be a Department member who engaged in a loud and profane argument with a significant other in a public place. In such an incident no crime may have been committed, but the member may have engaged in behavior likely to bring discredit to the Department.

When such an internal investigation determines there is a found violation of procedure by a Department member, the member would be subject to progressive discipline. The Department may also require the member to submit to an evaluation by the Employee Assistance Program or other professional service provider, and to follow through with any anger management, substance dependence treatment, or other treatment the service provider prescribes.

Situations may also arise where no crime has been committed, and no violation of procedure has been committed, but circumstances provide reason for a supervisor to be concerned. In these cases, a supervisor may suggest the Department member take advantage of the Employee Assistance Program, peer support counseling, the chaplaincy, and any other resource that may assist the member.

CHAPTER 33 – MENTAL HEALTH INCIDENTS

SECTION 1 – GUIDELINES

The Department's response to a person who is suffering from a mental health crisis, emotional disturbance, or emotional crisis must be compassionate and ensure the safety of the person, officers, and the public. When such a person first has contact with a government official, the tone of that initial contact can set the person on the path to accepting help and recovering, or shunning assistance and continuing to decline.

Whenever practical and safe to do so, officers are encouraged to de-escalate any disturbance and encourage the person to engage with appropriate services voluntarily. Center for Living is a valuable partner in this and they should be notified when officers are dealing with a person in crisis.

DEFINITION

De-escalation – a tactic designed to place officers in a position of advantage when dealing with irrational, unpredictable, or suicidal persons.

De-escalation helps officers stay focused and calm during crisis situations to bring chaotic moments to as peaceful a resolution as the subject will afford.

The risk or safety of officers or subjects during an attempted de-escalation should not be compromised.

When the person refuses assistance on a voluntary basis, or the nature of the situation would make this unsafe, officers shall take immediate action to take into custody any mentally disturbed person who is a danger to himself or herself or others, in accordance with provisions of ORS 426.228. Every effort will be made to perform this duty in a way which will best ensure the subject's safety, and not escalate the subject.

Due to the nature of the mental illness, an officer must never assume that an affected person will not act in a violent manner. Therefore, every reasonable precaution will be taken to prevent a person in crisis from injuring himself or herself or others.

If the affected person is believed to be in a mental health crisis or agitated delirium state, and is not posing a threat to himself or herself or others, officers are encouraged to take the reasonable and necessary time to de-escalate or gain compliance if law enforcement action is to be taken. All available resources and tactics should be used to avoid further escalation of the person's mental or physiological state.

In any situation when agitated delirium is suspected, medics should immediately be summoned to the scene as a precaution. If possible, the restraining or arrest of a non-threatening subject believed to be in a state of agitated delirium should only be done after medics are on scene.

SECTION 2 – STATUTES APPLICABLE TO EMERGENCY COMMITMENT

ORS 426.228 states in part, "Any peace officer may take into custody any person who he or she has reasonable cause to believe is dangerous to himself or herself or to any other person, and who the officer has reasonable cause to believe is in need of immediate care for treatment for mental illness."

Pursuant to ORS 426.233, the director of the community mental health department (Center for Living) may direct a peace officer to take a person into custody for emergency mental health treatment. In such cases, the mental health director shall prepare a report that the peace officer shall deliver to the Emergency Room physician.

The police officer who takes a person into custody under the authority of ORS 426.288 (PO Hold) shall take the person to a location where he or she can be evaluated by a mental health professional from the Mid-Columbia Center for Living (CFL). Unless directed otherwise by CFL personnel, the approved evaluation location is the emergency room at Mid-Columbia Medical Center.

SECTION 3 – PROCESSING OF ALLEGEDLY MENTAL ILL PERSON

Persons who are under arrest but suffering from an apparent mental health crisis should be referred to Center for Living and may require a mental health clearance prior to lodging in jail or another secure facility.

Upon arrival at Mid-Columbia Medical Center (MCMC), the officer shall stand by until both the medical staff and Center for Living are comfortable that it is safe for the officer to leave.

After one hour at the hospital has passed, if the officer believes the subject is not a threat or escape risk, a supervisor may be consulted if the above listed criteria is not met.

SECTION 4 – TRANSPORTATION OF MENTAL HOLD SUBJECTS

Mental health personnel will decide if a person is to be committed or not.

If a decision is made not to commit the person, the person shall be returned to the point where he or she was taken into custody. If CFL personnel are unable or unwilling to transport the person, an officer will offer the person return transportation in the back of a patrol car.

In some instances, it may be necessary for officers to transport subjects to a treatment facility. If this situation arises, a supervisor shall be notified to coordinate the transport or shift coverage.

General guidelines for the transport of mental holds:

- A marked car with a cage will be used.
- The person transported will be secured with a belly chain and leg irons because these provide more comfort than handcuffs for longer periods of restraint.
- Two officers will be needed for the transport (one can be a reserve).
- All paperwork needed for the admission must be hand-carried.
- A case file report copy must be supplied to the Chief of Police.
- If the person transported is female, it is desirable to have a female officer accompany the transport.
- The transport must be authorized by the Chief or Captain.
- The Chief must be advised in writing of the departure time, arrival time, hospital location, and the time the officer returned to The Dalles Police Department.

Transport restraint equipment (belly chains, etc.) will be kept in the Report Writing Room in a black gym bag. Leg irons come in two sizes depending on the physical size of the person.

It is advisable to have the person use the restroom prior to leaving MCMC. Officers will not perform transports for Police officer holds from other agencies. Lengthy transports such as to Ontario, John Day, or Grants Pass will not be authorized.

Officers will note in any report if the subject has been charged with a violation or crime. Legible copies of all reports pertaining to the case should be forwarded to the District Attorney's Office, Center for Living, and the Circuit Court.

If a felony has been committed, the person shall be transported to the jail where he or she shall be booked, and a decision will be made by the jail commander and doctor whether the person shall be held or transported to a hospital. A disturbed person taken into custody for a misdemeanor shall be taken to a hospital and, if released, transported to the jail. If not released from the hospital, all required reports on the crime shall be completed for a later determination in respect to arrest.

Officers taking a person into custody because he or she is a danger to himself or herself or others shall complete a form called "Report of Peace Officer Custody of an Allegedly Mentally Ill Person." Prior to giving this form to the physician at MCMC, officers shall make a photocopy of the form and place it in the case file. A copy of this form shall always be retained as proof of the officer's authority to take the person into custody.

SECTION 5 – MENTAL CITATION AND WARRANT

Whenever a mentally disturbed person is taken into custody on order of the Court, the officer will be provided with the original and a copy of both the warrant of detention and the citation. The officer shall:

- Present the copy of each to the named person.
- Read both the detention warrant and the citation to the person before taking him or her into custody for transport to the hospital.
- Complete the return section of the original citation and warrant of detention located on the reverse side, and return both the citation and warrant to the Circuit Court as soon as is practical following their services.

A warrant of detention is a civil process and cannot be served on Sunday; however, it may be served on a holiday.

SECTION 6 – PERSONS UNDER THE JURISDICTION OF THE PSYCHIATRIC SECURITY REVIEW BOARD

Persons who have been committed to an Oregon State mental hospital under the provisions of ORS 161.319 and 161.325 have been judged by a court that they present a substantial danger to others. Such persons are under the jurisdiction of the Psychiatric Security Review Board for care and treatment. In some instances, after a period of treatment, such patients may be placed on conditional release in community treatment programs.

ORS 161.336 (5) provides that the Psychiatric Security Review Board, a community mental health director, or the director of the facility providing treatment to a person on conditional release may issue a written order to any peace officer to take a person on conditional release into custody or request that the person be taken into custody if he or she has reasonable cause to believe the person is a substantial danger to himself or herself or others because of mental disease or defect, and that he or she is in need of immediate care, custody, or treatment.

SECTION 7 – SUICIDAL SUBJECTS

When an officer responds to an attempted suicide, the officer shall:

- Take whatever appropriate action is necessary to neutralize the situation and prevent further injury.
- Maintain a professional and understanding attitude while dealing with the subject. Officers shall not use levity or scorn with the subject who has attempted suicide.
- Make the distressed person and/or his or her family aware of various resources available, i.e., counseling services, psychiatric services, etc.
- Exercise all due caution to ensure his or her personal safety and the safety of other responding personnel because persons who have or are attempting suicide can at times pose a serious threat to responding officers.
- In cases where the suicidal subject is armed and only poses a risk of injury to himself or herself, use de-escalation tactics and not physical force if that force could foreseeably escalate the situation or put the subject, public, or officers in further danger. If de-escalation has been attempted and was ineffective, and there is no crime or apparent threat to others or the public safety, a supervisor may order the withdrawal of officers and the call for service will be cleared.
- In cases where the officer encounters a suicidal subject who is on his or her private property and is refusing to permit officers onto his or her property, or into his or her residence/structure, use de-escalation tactics and do not violate privacy laws for the sake of Community Caretaking. If de-escalation has been attempted and was ineffective, and there is no crime or apparent threat to others or the public safety, a supervisor may order the withdrawal of officers and the call for service will be cleared.
- Consider facilitating phone contact between the suicidal subject and a Center for Living mental health professional. Center for Living may be a resource, particularly for the previous two points.

If there is cause for concern that a person threatening suicide will engage in behavior that responding officers may take as threatening (suicide by cop) and no one else is in danger, officers may consider not responding to the scene.

CHAPTER 34 – JUVENILE PROCEDURES

NOTE: Juvenile traffic offense procedures are in Chapter 23, Section 2 – Juvenile Traffic Citation Procedure.

SECTION 1 – PARENT/GUARDIAN NOTIFICATION OF JUVENILE CUSTODY

This Policy is intended to assure prompt notification of a parent or guardian when a juvenile is taken into custody.

Juveniles may be taken into custody pursuant to ORS 419C.080: if the youth were an adult, the youth could be arrested without a warrant or by order of a juvenile court summons.

Juveniles may be cited in lieu of a custody arrest pursuant to ORS 419C.085. In this case, the county of venue is the county in which the juvenile resides.

Juveniles taken into custody shall not be deemed to have been arrested under ORS 419C.091; any officer taking a juvenile into custody for any reason shall write an official report and ensure that the Juvenile Department is notified.

Notification of a parent or guardian is required as soon as is practical whenever a juvenile is taken into custody, or issued a non-traffic Citation to Appear. The responsibility for parental notification shall be assumed by the arresting officer pursuant to ORS 419C.097.

Notification shall be made either in person or by telephone.

In the event a member is unable to locate a parent or guardian, a note shall be left at his or her place of residence indicating the juvenile is in custody and where the juvenile is housed.

Should the parent or guardian not be at home, but a babysitter, relative, or some other person is, the notification shall be left with him or her.

The name of the person receiving notification shall be recorded by the contacting member.

The officer shall attempt to obtain information on both parents or guardians including current phone numbers and addresses. Name fields for both parents shall be included in the police report.

Since people often change phones, it is particularly important that officers not assume a phone number listed in a previous contact is still valid.

In-person notice is not required if the juvenile's parent or guardian resides outside the jurisdiction of the arresting officer's agency.

A juvenile may be kept at a police station for a period of time to obtain necessary information, not to exceed three (3) hours. When possible, if safety or escape is not jeopardized, the juvenile will not be handcuffed while at the police station.

All juveniles brought into the police station who are in custody shall be logged in and out in the Juvenile Custody Log binder which is located in the Report Room.

The type of notification, or lack thereof, shall be noted on the report form.

The notification of a parent or guardian may be delayed for a reasonable length of time if immediate notification would interfere with the investigation being conducted.

Juveniles held at the Police Department shall be at all times supervised, and a medical evaluation should be initiated if the juvenile is drug or alcohol impaired or injured.

Juveniles may have their property removed while temporarily in the Police Department. Property should be returned to the juvenile upon his or her release to a parent or guardian, provided that it is not evidence.

Upon release, the officer detaining the juvenile should make an effort to explain the circumstances of the detention to the parent or guardian.

If unable to contact a parent or guardian of a juvenile, the Juvenile Department can be contacted to assist with protective custody.

SECTION 2 – INTERVIEWING JUVENILE WITNESSES

Senate Bill (SB) 386 (2021) imposes a requirement on The Dalles Police Department to develop a Policy regarding parental notification when interviewing child witnesses. SB 386 authorizes the Department's prioritizing of child safety consistent with Oregon and federal law.

For the purposes of this SB 386 Policy, child witness means:

- An unmarried person who is under 18 years of age, AND
- Who is NOT the (i) victim of, (ii) suspect in, or (iii) related to the suspect in, a
 - Child welfare
 - Criminal
 - Delinquency investigation

Before interviewing a child witness, all officers shall evaluate the totality of the circumstances and exercise reasonable discretion when determining whether to:

- Notify at least one of a child witness's parents or legal guardians of the interview;
- AND/OR
- Inform a child witness of his or her right to have a parent or legal guardian present for the interview.

NOTE: Child safety is always paramount. Officers having a reasonable belief a child witness's safety would be compromised either by the officer's parental notification or by the officer's informing the child witness shall report his or her belief to a supervising officer before interviewing a child witness, and the supervising officer shall determine, prior to the interview, whether parental notification or informing the child witness is warranted.

SECTION 3 – JUVENILE MEDICAL COMMITMENT

This procedure establishes the Policy for handling emergency medical situations involving juveniles.

In order for hospitals to hold juveniles for medical treatment in the absence of parental consent, a temporary commitment is required from the Juvenile Department per ORS 419B.110.

When a parent or guardian is physically unavailable and medical treatment is necessary, members shall attempt to locate him or her.

When medical treatment is necessary and parental consent is absent, members shall not sign treatment release forms at the hospital or give verbal authorization for treatment. The authorization can come only from a judge. Members shall:

- Assume protective custody of the child.
- Call a case worker at the Juvenile Department. The case worker shall contact a judge and have the judge call the hospital and give verbal authorization for treatment.

SECTION 4 – RUNAWAY OR MISSING JUVENILE

The purpose of this section is to ensure that reported missing persons cases, particularly those involving minor children and missing vulnerable adults, are investigated as soon as possible, utilizing all available resources in compliance with statutory requirements. ORS 146.181, 181A.310, 181A.320

In the case of missing juveniles, the officer shall ask questions to determine if foul play may be involved.

National Crime Information Center (NCIC) entry requires that the parent/guardian sign the report before the entry of a runaway juvenile can be accomplished. Responding officers shall obtain the necessary signature so the entry can be made.

Missing children shall be reported to the Missing Children’s Clearinghouse when the case involves custodial interference 1 or 2 or kidnapping 1 or 2.

If there is no indication of foul play, the officer will explain to the parent or guardian that signing the runaway form gives police the authority to pick up the youth for his or her own protection.

The officer will also explain that the juvenile will be entered into a police database as missing, and that it is critical that the parent or guardian notify police should the youth return on his or her own, or be located by the parent or guardian, even if there is no further need for police intervention.

Juveniles are not lodged at NORCOR unless the child is an out-of-state runaway, and the court finds it is in the best interest of the youth to be detained. Most often the child is placed in shelter care at places such as the Youth Empowerment Shelter (YES HOUSE) or temporary foster care by the Department of Human Services (DHS).

Report takers should advise parents/guardians as to the availability of social service agencies and counseling for a long-term solution to these problems. The detectives will maintain a complete list of available social service agencies, and will provide advice to officers or family members upon request. Some suggested agencies that officers may find helpful are as follows:

- Department of Youth Services
- Department of Human Services
- Center for Living

- Youth Think

FOLLOW-UP GUIDELINES FOR THE MISSING JUVENILES

Upon receipt of the assigned cases from the case monitoring system, the Detective Sergeant will:

- Review all assigned missing persons and runaway juvenile cases.
- Complete telephone calls within five days if not cleared under normal circumstances.
- Maintain updated continuing files on all un-cleared missing persons cases.
- Send additional teletypes as indicated.
- Collect family DNA when a 30-day notice is given by LEDS.

SECTION 5 – AMBER ALERT NOTIFICATION FOR ABDUCTED CHILDREN

The purpose of this Policy is to provide guidelines for the child abduction procedure and the implementation of the Amber Alert System.

Amber Alert is a cooperative program between law enforcement agencies and local area radio and television stations to broadcast information about a missing endangered child using the Emergency Broadcast System.

1. AMBER ALERT CRITERIA:

- Law enforcement officials reasonably believe that an abduction has occurred.
- The child is 17 years of age or younger.
- Law enforcement officials believe that the child is in imminent danger of serious bodily injury or death.
- There is adequate descriptive information available to believe that its dissemination to the public could help locate the child, suspect, and/or suspect's vehicle.
- The child's name and other critical data elements, including the child abduction (CA) and Amber Alert (AA) flags, must be entered into the National Crime Information Center (NCIC) system.

Even if formal activation criteria have been met, the following may make activation impractical:

- Available information is not specific enough.
 - For example, an Amber Alert specifying involvement of a white van, (without a license plate number) could actually hinder an investigation by causing the public to inundate police agencies with possible sightings.
- An extended period of time has passed since the disappearance.

2. INITIAL PATROL RESPONSE

If the responding officer believes that a child has been abducted and the circumstances fit all of the Amber Alert criteria, the officer will immediately notify a supervisor. The criteria and protocol for an Amber Alert are listed on the Amber Alert checklist. Copies of this checklist are in the report room, and every patrol officer is expected to have a copy of the checklist with him or her while on patrol.

As soon as the officer believes the situation warrants an Amber Alert, the officer shall begin filling out the Amber Alert checklist. A supervisor shall respond to the scene and inform the Captain/PIO and Detective Sergeant or on-call detective of the situation.

The officer will complete steps 1 through 3 on the Amber Alert checklist and obtain sufficient information to complete an Amber Alert message. A supervisor will review the information and approve or disapprove the Amber Alert request. The supervisor will then continue following the Amber Alert checklist.

DO NOT USE THE AMBER ALERT FOR RUNAWAYS OR PARENTAL ABDUCTION UNLESS THE CHILD IS IN DANGER OF SERIOUS BODILY HARM.

3. SUPERVISOR DUTIES

A supervisor will review the information gathered by the responding officer on the Amber Alert checklist. The supervisor shall determine if there is sufficient information for the public to use to assist in the recovery of the child. If the supervisor believes the case meets the Amber Alert criteria, the supervisor will take over the Amber Alert checklist at step 4 and ensure that Central Dispatch is notified and a request for activation of the Amber Alert system has been made to the Oregon State Police.

Updates to information will be completed by a supervisor utilizing the Amber Alert message form, and the information will be forwarded to the Oregon State Police Answering Point. Updates need to be consecutively numbered at the top of the form for tracking purposes.

The Amber Alert System will be activated for 24 hours and then will be reviewed to determine if the alert should continue.

An example of the Alert Message is:

THE (LAW ENFORCEMENT AGENCY) IS INITIATING AN AMBER ALERT. THE VICTIM IS JANIE DOE, A 9-YEAR OLD FEMALE JUVENILE. SHE HAS BLONDE HAIR, BLUE EYES, IS 4' TALL AND WEIGHS 85 POUNDS. SHE WAS LAST SEEN WEARING A S/SLEEVE RED TOP AND BLACK PANTS. POLICE BELIEVE SHE WAS ABDUCTED THIS DATE AT APPROXIMATELY 2:00PM, BY A WHITE MALE, APPROXIMATELY 25-35 YEARS OLD, APPROXIMATELY 6'-2"/230 POUNDS, BROWN HAIR WITH A SHORT BEARD AND MUSTACHE. SUSPECT IS DRIVING A SILVER SUV, LAST SEEN HEADING NORTHBOUND ON ALPHA STREET FROM THE (ABDUCTION LOCATION/CITY) AREA. IF YOU HAVE ANY INFORMATION, PLEASE CONTACT EITHER DETECTIVE SERGEANT JOHN DOE OR DETECTIVE JIM DOE, (LAW ENFORCEMENT AGENCY) AT (541) XXX-XXXX. THIS NUMBER IS FOR INVESTIGATIVE LEADS/INFO ONLY, AND NOT FOR MEDIA INQUIRIES.

4. CHAIN OF EVENTS SAMPLE

- Any law enforcement officer takes a report of an abducted child.
- Through investigation, the checklist is completed and it is found that the situation meets the criteria of an Amber Alert. (See checklist)

- The supervisor assists the officer in completing the Emergency Alert System (EAS) message with information to be broadcast.
- The supervisor phones the Oregon State Police Central Command and talks with a supervisor there to review criteria.
- The Oregon State Police Supervisor confirms that the criteria is met and the Oregon State Police Supervisor, by agreement, takes the calls in a call center in Salem and forwards the tips back to the originating agency.
- The message is either verbally relayed or faxed to the Oregon State Police Dispatch.
- The Oregon State Police gets the message to Oregon Emergency Management to have the message sent through the Emergency Alert System.
- The message is entered into an encoder and shipped to a primary station (entry point) in the Emergency Alert System.
- The message is then put on every monitoring radio station by voice and put on a chyron at the bottom of every monitoring TV station. Broadcasters then repeat the information in the form of a news report at regular intervals.
- The Oregon State Police calls Oregon Department of Transportation and has a message put on the Variable Message Signs.

Amber Alert checklist on following page



The Dalles Police Amber Alert Checklist



Amber Alert Criteria

Case# _____

- This is a child abduction case
- The child is 17 years old or younger
- The child is in imminent danger of serious bodily injury or death
- Disseminating this information to the general public, could assist in the safe recovery of the child or apprehension of the suspect

If any of the above do not apply, this is not an Amber Alert situation, continue with the investigation without issuing an Amber Alert.

____ Step 1. Obtain Victim Information:

Name _____ Date of Birth _____

Race _____ Gender _____ Hair color _____ Hair Length _____ Hair Style _____

Height _____ Weight _____ Additional Identifiers _____

Clothing Description _____

Last known location _____

____ Step 2. Obtain Suspect Information:

Name _____ Date of Birth _____

Race _____ Gender _____ Hair color _____ Hair Length _____ Hair Style _____

Height _____ Weight _____ Additional Identifiers _____

Clothing Description _____

Relationship to victim if any _____

____ Step 3. Abduction Information

Date abducted _____ Time Abducted _____ Direction of travel _____

Destination if known _____

Vehicle description _____

Details of abduction (any known information about the abduction and the threat to the child's welfare) _____

_____ *continued on next page*



The Dalles Police Amber Alert Checklist



(abduction details continued) _____

____ Step 4. Notify:

On duty supervisor _____ Detective Sergeant / on call Detective _____ Captain/PIO _____

____ Step 5. Obtain Supervisor approval for Amber Alert broadcast

____ Step 6. A supervisor will contact Oregon State Police Northern Command Center (OSP NCC) at 503-375-3555 to request initiation and approval for AMBER Alert activation.

- A dedicated line will need to be provided for tips to be routed to, our local line is Central Dispatch at 541-298-5508

____ Step 7. Request Central Dispatch send a statewide BOLO message. The BOLO message shall be titled "Oregon Amber Alert" Include the following information in the message, if available: (see info from steps 1-4)

- Name, age, sex and physical description of the victim
- Description of clothing
- Location and time last seen
- Description of possible suspect(s) and vehicle
- Last known direction of travel and possible destination
- Investigating law enforcement agency, investigating officer, and telephone number

____ Step 8. Request Dispatch enter the victim and suspect into LEDS/NCIC

____ Step 9. Obtain a photograph or digital image of the victim and suspect if possible for media dissemination

____ Step 9. Any updates or cancelation of an amber alert will be forwarded to the OSP NCC in timely manner.

____ Step 10. File this checklist with the original report.

SECTION 6 – CHILD ABUSE/NEGLECT PROCEDURE

This procedure is established to fulfill the requirements of the child abuse reporting laws, ORS 418.746 to 418.751, by members of the Police Department. This procedure is also included within the protocol for the Multi-disciplinary Team investigation of child abuse as required by ORS 418.746. All officers will read and understand Karly's Law ORS 419B.022 through 419B.024.

The Police Department will, to the extent possible, investigate child abuse allegations within the framework of the Multi-disciplinary Team concept as set forth in a protocol agreed upon by the Wasco County District Attorney and other team members and, when crime is identified, will treat it as a serious crime. Child abuse is a legal definition and not a specific crime. When a bona fide child abuse allegation is investigated, the outcome will be written crime specific, i.e., rape, sodomy, incest, criminal mistreatment, assault, etc.

When an officer responds to a call as the result of the Department of Human Services (DHS), Child Welfare Division, having called for service, the uniformed officer and/or detectives from this office have the responsibility of conducting an independent investigation into the situation to determine if a crime has been committed. The responding officer/investigator will investigate the child abuse or neglect allegation as outlined in this procedure. A good investigation is the key to successful prosecution of any child abuse case. There are no substitutes for careful investigations and no shortcuts to produce what is needed to make informed decisions about arrests, filing charges, and presenting a convincing case at trial. The responsibility and authority for the criminal investigation lies with this Department, not DHS.

1. DEFINITIONS

Abuse –

- 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.
- 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, with due regard to the culture of the child.

Sexual abuse – including, but not limited to, rape, sodomy, sexual abuse, sexual penetration with a foreign object and incest, as those acts are defined on ORS Chapter 163.

Sexual exploitation – including, but not limited to:

- Contributing to the sexual delinquency of a minor, as defined in ORS Chapter 163, and any other conduct which allows, employs, authorizes, permits, induces, or encourages a child to engage in the performing for people to observe, or the photography, filming, tape recording, or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined by Oregon law or sexual abuse involving a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 418.760 and which is not designed to serve educational or other legitimate purposes.
- Allowing, permitting, encouraging, or hiring a child to engage in prostitution, as defined by Oregon law.

Negligent treatment or maltreatment of a child – including but not limited to, the failure to provide adequate food, clothing, shelter or medical care. Any child who is under care or treatment solely by spiritual means pursuant to the religious beliefs or practices of the child or the child’s parent or guardian shall not, for this reason alone, be considered a neglected or maltreated child.

Threatened harm to a child – which means subjecting a child to a substantial risk or harm, or negatively impacting the child’s health or welfare.

Child – An unmarried person who is under 18 years of age.

2. CAUSES FOR TAKING TEMPORARY CUSTODY OF A CHILD

Situations where a child **SHALL** be taken into protective custody:

- The child has been sexually molested by a family member and that family member is still in the home, or likely to return, or other family members may not be supportive of the victim.
- The child is in imminent danger of physical injury if left in the care of the lawful custodian.
- The child’s condition or surroundings reasonably appear to be such as to jeopardize the child’s welfare (417B.150).

3. DUTY TO REPORT CHILD ABUSE

All sworn members of the Department, including reserve officers, are required to make a report if they receive information indicating that a child has been abused. This requirement is outlined in ORS 419B.010. All such reports should be made in writing and be made in a timely manner. These reports should be forwarded to the Detective Sergeant. If the Detective Sergeant is not available, then the member’s immediate supervisor should receive the report.

A uniformed officer who receives such a call while on duty shall go to the scene of the potential abuse and determine if the call is a possible crime and whether the incident happened in the City. If it is determined that the incident did not happen in the City, the uniformed officer will ensure that all available information on the report is forwarded to the law enforcement agency with jurisdiction. If the agency with jurisdiction requests assistance from The Dalles Police Department in the investigation, the Department will provide such assistance as resources allow, and the uniformed officer will inform the Detective Sergeant or investigator of the request for assistance.

If the uniformed officer determines the allegation of abuse occurred inside the City and the allegation is of physical injury to a child, or any type of sexual abuse or exploitation, the officer shall prepare a police report even if the initial investigation determines it appears no abuse occurred.

If a responding officer or detective responds with DHS and it is determined that there is no abuse or neglect, a detailed log can be written rather than a police report. A detailed log will include the names of everyone involved with their correct contact information.

Example 1: A patrol officer called to a report of an infant left alone in a car arrives and determines an adult caregiver is in the car, which the reporting party apparently did not see. No report would be required, but a detailed log entry will be made.

Example 2: A patrol officer responds to a report of a child with a black eye suspected of being struck by a parent. The officer determines the child was struck by a fly ball while playing softball, and there were independent witnesses to this. A police report will be prepared listing witnesses, statements, and any other evidence which led the officer to conclude that the incident was not child abuse.

Example 3: An officer is called to accompany Child Welfare on a home visit, due to concern about unsanitary conditions. If no evidence of injury or sexual abuse is noted, and no police action is taken, a detailed log entry would be sufficient.

If the abuse seems valid and the Detective Sergeant is not on duty, he or she should be consulted by telephone. The Detective Sergeant shall decide who is going to investigate the reported incident and if immediate action is needed.

The detective or supervisor who receives the report from another Department member shall determine the immediate action to be taken.

Appropriate immediate actions depend on the circumstances involved and could include:

- Notification of child welfare authorities
- Forwarding the report to the police agency with jurisdiction
- Taking immediate steps to protect the child if warranted
- Conducting interviews immediately or at a future time and date
 - The initial interview of the child requires care. The Columbia Gorge Child Advocacy Center has trained forensic child interviewers who will be used in certain situations. If an officer is in doubt about interviewing a child, the officer shall contact a supervisor for guidance.

4. RESPONSIBILITY OF RESPONDING OFFICERS AND DETECTIVES

It is recommended that prior to an officer interviewing a child about details of a physical assault or sexual abuse, a supervisor or the Detective Sergeant should be consulted first to discuss whether or not the interview should be done by a forensic interviewer.

When an officer conducts a preliminary investigation concerning allegations of child abuse, a parent(s) or guardian(s) of the victim will be notified that his or her child was interviewed by the investigating officer and for what purpose the interview was conducted. Notification will be delayed if giving notification would endanger the child or jeopardize the investigation.

When the allegation of abuse is an allegation of injury to a child or any type of sexual abuse, a police report will be prepared even if the investigation determines there is no evidence of abuse. This report will list full details on the child, parent(s) or guardian(s), and anyone else involved in the case, and provide a detailed and thorough account of the investigation which led to the conclusion that no abuse occurred. Photographs, recordings, and any other evidence will be preserved in accordance with the evidence manual.

If the investigation determines that the allegation of any type of abuse or neglect is founded, or if police action is taken, a police report will be generated.

If the allegation is not one of sexual abuse or of an assault to a child, and the investigators determine the allegation is not founded, a detailed log entry may be done instead of an incident report.

Example 1: If an officer or detective receives a report from a family member that a child in foster care has bruises which he or she believes are the result of abuse, a report will be prepared even if the investigation finds no bruises or determines the bruises were the result of an accident and not abuse.

Example 2: If an officer or detective responds to a home due to an allegation of unfit living conditions, lack of food, or drug use and determines the call is unfounded and there is sufficient food and reasonably sanitary conditions, a detailed log entry would be sufficient.

ALL REPORTS OF ABUSE WILL BE CROSS REPORTED TO DHS/CHILD SERVICES AT 855-541-0042.

When the facts of the preliminary investigation reveal a child to be a victim of a crime, but the situation does not require protective custody, the investigating officer will conduct a thorough investigation and prepare the appropriate reports. The preliminary investigation will include having the child's injuries photographed and other evidence properly collected (i.e. weapons, belts, cords, etc.) The reports will be forwarded through channels to the Department of Human Services Child Welfare Division, Wasco County Juvenile Department, and Wasco County District Attorney's Office.

If the investigation is conducted on public school premises, the school administrator shall first be notified that the investigation is to take place. The school administrator or a school staff member designated by the administrator may, at the investigator's discretion, be present to facilitate the investigation per ORS 419B.045.

If the child is taken into protective custody by the investigating officer(s), the officer(s) shall, if possible, make responsible efforts to advise the parents immediately, regardless of the time of day, that the child has been taken into custody and general information about the child's placement. The officer will provide the parents with the telephone number of DHS. Notice should also be given that a hearing will be conducted the next court day at the Juvenile Court.

Notice may be given by any means reasonably certain of notifying the parents, including, but not limited to, written, telephone, or in-person verbal notification.

If the investigating officer, when taking the child into protective custody, has reasonable cause to believe that the child has been affected by sexual abuse as defined in ORS 419.005 and that physical evidence of the abuse exists and is likely to disappear, the court may authorize a physical examination for the purposes of preserving evidence if the court finds that it is in the best interest of the child to have such an examination. Arrangements for this examination should be coordinated through the Wasco County District Attorney's Office, which is responsible for the prosecution of child abuse cases.

Child abuse-related examinations shall be conducted at medical facilities with staff trained to examine children for evidence of abuse, both sexual and physical. Facilities presently utilized for these purposes include Mid-Columbia Medical Center and the Columbia Gorge Child Advocacy Center.

A minor child of 12 years of age or older may refuse to consent to such an examination.

When the facts of the preliminary investigation reveal a child to be a victim of a crime and it is necessary to place the child in protective custody, the investigating officer shall:

- Prepare the correct crime report.

- See that the child’s injuries are photographed and all weapons (cords, belts, etc.) and other evidence are properly collected.
- Prepare a custody report for each child placed in protective custody.
- Prepare a custody report on any suspect arrested.
- Arrange with DHS for temporary placement of the child or, if after hours, the Juvenile Department will be notified.

The Detective Sergeant shall have the responsibility to ensure that the investigation is complete and assign any required follow-up activities. The Detective Sergeant shall ensure the delivery of a copy of all reports concerning the case to the Juvenile Department, DHS, and the District Attorney’s Office.

When a suspect is arrested, the officer will prepare a criminal case file containing all relevant reports and supporting documents, as in any other criminal case.

SECTION 7 – FINGERPRINTING AND PHOTOGRAPHING JUVENILES

A child or youth may be photographed and/or fingerprinted by a law enforcement agency under ORS 419A.250.

Officers no longer need to photograph and fingerprint juvenile custodies as NORCOR Juvenile will perform that action when necessary.

Members of this Department will not maintain photographs of juveniles in any investigations, intelligence files, or records management systems.

SECTION 8 – THREAT OF JUVENILE VIOLENCE PROCEDURE

The Dalles Police Department is a signatory to the “Threat of Juvenile Violence Community Response Protocol.” The following procedure is established to direct officers in the proper handling of reports of threats coming from juveniles.

The purpose of this procedure is to address the issues of threats of violence from juveniles directed at other persons. The goal of this procedure is the prevention of violence, by passing information on to school and juvenile authorities so action can be taken to mitigate potential violence by the student.

The officer shall, upon receipt of a threat of violence from a juvenile, investigate the circumstances involved. Officers are to pay particular attention to threats of violence in schools.

The investigating officer, upon receipt of a threat of violence from a juvenile directed at a juvenile or school official, shall conduct an investigation into the circumstance of the threat. This police investigation will attempt to gather evidence as to whether or not a crime has been committed and to determine if the threats were actually made. If the investigation determines that probable cause exists to make an arrest, an arrest will be made and charging documents will be forwarded to the Wasco County Juvenile Department. School officials will be notified by the Police Department as to the outcome of the investigation as soon as possible.

Should an investigation by The Dalles Police Department determine that a threat has been made, but that insufficient elements exist to result in criminal charges, the investigating officer will document the facts uncovered during this investigation in an informational police report. The officer shall notify the Detective

Sergeant of the incident and the Detective Sergeant will initiate the Threat Assessment process when applicable.

The report will be forwarded to the Wasco County Juvenile Department no later than the next business day. School authorities will be verbally advised of the outcome of the investigation once it is concluded.

If a formal multi-agency threat assessment meeting is needed to discuss this incident, a supervisor will attend or send a designee to represent the Police Department.

CHAPTER 35 – ANIMAL CALLS

SECTION 1 – DOMESTIC ANIMAL CASE PROCEDURES

The Home at Last Animal Shelter is located at 200 River Road, and the hours of operation are normally Monday through Friday, 1000 – 1630.

The duties of the Animal Control Officer include, but are not limited to:

- Picking up stray, unwanted or dead animals.
- Investigating vicious dog complaints.
- Investigating dog bite complaints.
- Investigating complaints of cruelty, abuse, neglect, and abandonment.
- Impounding and releasing animals.

ANIMAL BITES

The Animal Control Officer or, if not available, the assigned patrol officer, will report any animal bite that breaks the skin.

Members investigating cases in which an animal has bitten a person shall inform the owner of the 10-day quarantine requirement. Arrangements may be made for home quarantine if the animal is up-to-date on vaccinations, and the owner is cooperative and appears to be reliable.

Alternately, the animal will be confined at the Animal Shelter for 10 days. The officer's incident report shall indicate that the owner of the dog has been informed of these requirements.

These and the following precautions are necessary for the effective control of rabies (Hydrophobia). A copy of the report shall be forwarded to Animal Control.

- If the animal has caused a break in the skin, a member will strongly advise the person to obtain medical treatment. The member shall also advise the animal owner that the animal will be quarantined at the Animal Shelter (or at home) for 10 days even if the animal has a current rabies vaccination.
- If it becomes necessary to kill an animal which has bitten someone, be certain that the animal's head is not mutilated so the brain can be examined for signs of rabies. In such a situation, the Animal Control Officer will be summoned and will arrange for the preservation of the animal's remains.
- Should the person bitten wish to prosecute the owner of the dog, a completed incident report will be forwarded to the City Attorney's Office or District Attorney's Office for review.

SECTION 2 – DOG LICENSES

A dog license must be purchased by March 1 of each year, or within 30 days after acquisition, for every dog having a permanent set of adult teeth. Licenses are issued and records are maintained at Home at Last.

SECTION 3 – ANIMAL HANDLING PROCEDURE

1. SICK OR INJURED ANIMALS

A sick or injured animal shall be turned over to its owner whenever possible. In cases of a licensed dog, the name of the owner can be determined from the dog license records at Home at Last.

If the owner cannot be located and the animal appears to be in need of immediate medical care, the animal may be transported to The Dalles Veterinary Hospital or other veterinary facility.

2. EUTHANIZING AN INJURED ANIMAL

Before euthanizing an injured domestic animal, a reasonable effort will be made to contact the owner of the animal.

If the animal's owner cannot be located, the animal is suffering, and the severity of the injuries makes it clear the animal will likely not survive, the animal may be euthanized in a safe and humane manner.

The animal may be transported to a veterinary facility to confirm the seriousness of the injuries and to take appropriate action (treat or euthanize).

In the event that it is unsafe or impractical to move the animal, or where doing so would extend the animal's suffering, the officer may euthanize the animal in the field only when it can be done humanely and safely.

In all instances where an officer is required to euthanize a domestic or non-domestic animal (i.e., deer), a report of the incident will be prepared and submitted. In the event that a firearm is used to euthanize an animal, that fact should be included in the report; however, no Use of Force report is required.

3. DEAD ANIMALS

Officers will take precautions to guard against skin contact with deceased animals, contaminated surfaces, or bodily fluids.

Officers shall remove dead animals from public view. If the animal cannot be moved, it should be covered.

Dead domestic animals shall be picked up by the Animal Control Officer, who shall be summoned by radio when he or she is on duty. Dead wild animals on roadways are picked up by Public Works.

In the case of a domestic animal, every effort should be made to determine the owner and make notification. The Animal Control Officer has a chip scanner which may aid in the identification.

In the case of large dead animals, an attempt shall be made to locate the owner and inform the owner of the responsibility for removing the animal. If the owner cannot be located, the member shall consult a supervisor. Assistance may be sought from Public Works.

Should Department personnel find it necessary to remove a dead animal from a scene, it shall be transported to the Animal Shelter where freezers are provided. The member's information report shall describe the animal, cause of death if known, location found, and the name of the owner if known.

If the cause of death of an animal is suspected to be from poison, eating ground glass, or any other intentional cause requiring a special investigation or medical evidence, the chain of evidence shall be preserved and turned over to Animal Control.

4. ANIMALS IN POSSESSION OF PERSON TAKEN INTO CUSTODY

When persons taken into custody are in possession of an animal, every effort shall be made to allow the owner to give the custody of the animal to a friend or relative of the arrestee.

As a last resort, the animal may be temporarily housed at the Animal Shelter. The arrestee or the arrestee's representative may recover the animal from the Animal Shelter during regular business hours.

5. STRAY LIVESTOCK AFTER NORMAL DUTY HOURS

Upon receipt of a call involving stray livestock, Central Dispatch shall dispatch a patrol unit, who shall attempt to locate and detain the livestock.

If the livestock is located, the officer shall notify Central Dispatch, who shall contact the Animal Control Officer if further assistance is needed.

The patrol unit shall remain at the scene until the arrival of the Animal Control Officer, who shall take charge of the animal.

6. AFTER NORMAL DUTY HOURS FOR DOG CONTROL PERSONNEL

Police officers shall make every effort to take care of the animal problem themselves before calling out Animal Control personnel at overtime expense. Animal calls for service are a low priority unless they present an immediate threat to public safety.

7. VICIOUS ANIMALS

In the event an officer is required to use a baton, chemical mace, Taser, or other weapon (other than a firearm) to subdue or protect the officer or another person from a vicious animal, a report will be submitted detailing the circumstances.

CHAPTER 36 – EXPLOSIVES AND BOMB THREATS

SECTION 1 – GUIDELINES

All bomb threats shall be initially regarded as legitimate, unless investigation determines otherwise.

Central Dispatch shall dispatch the nearest patrol officer to the scene, and notify on-duty supervisory and command personnel.

When a search for a bomb is underway, portable radios should be left on to allow coordination of the search by the Incident Commander. Searchers should avoid transmitting while in the proximity of a suspected bomb due to the risk of a device being sensitive to radio frequency.

The Fire Department, having responsibility for fire protection, shall be immediately notified of the bomb threat by Dispatch.

The nearest available supervisor shall immediately respond to the scene and assume control.

In the absence of a supervisor, the assigned police officer shall assume command until a supervisor and/or detective arrives.

If the first officer on the scene finds that the bomb threat is a hoax, he or she will immediately contact the dispatcher and cancel the response.

The procedure for handling and storage of explosives is found in the Property Manual, chapter 7.

SECTION 2 – EVACUATION

If a business, private property, or government facility is the target of a bomb threat, the Incident Commander will consult with the person in charge of the property. The person in charge of the threatened property will make any decisions to evacuate personnel or shut down machinery or equipment.

When evacuation is requested by the threatened party, members shall assist in the evacuation.

The Incident Commander shall maintain the security of the evacuated area, preventing unauthorized entrance, until he or she determines that it is reasonably safe to re-enter the area.

SECTION 3 – SEARCH FOR BOMB

When a bomb threat is received, the Incident Commander will discuss with the person in charge of the property if a search of the building or area is needed.

The Incident Commander shall supervise any search, brief the search party on suspected target areas, and, if known, relay the expected time of detonation. The search party may include law enforcement and/or personnel associated with the threatened property.

Alternately, the Incident Commander may elect to summon the OSP Bomb Squad for advice or assistance prior to initiating a search.

SECTION 4 – A SUSPICIOUS DEVICE IS FOUND

Once a suspicious device is located, no one should touch, move, or handle the device. No radio or cell phone transmission is allowed within a 100-foot radius of a suspicious device.

If a suspicious device is found, the first member knowing this fact shall notify the Incident Commander who shall order an immediate evacuation of all persons from the endangered area.

A safety zone must be established around a suspected bomb. All personnel should be moved 300 feet away and behind cover. The OSP Bomb Squad will also be consulted and may direct a larger safety zone depending on the size and nature of the device.

Dispatch will immediately notify the responsible Fire Department that a suspicious device has been located.

Be mindful of secondary devices in addition to the found device.

- A secondary device is a second bomb put in place to target First Responders where they are likely to park or assemble.

As soon as a suspected device is found, the Incident Commander shall inform Dispatch, who shall immediately:

- Notify Department command personnel.
- Summon trained bomb technicians to the scene. The Oregon State Police bomb technicians should be called as the primary source for bomb disposal. If OSP is unavailable, the Incident Commander should contact Portland Police Bureau or federal authorities for alternatives.

Upon their arrival, bomb technicians shall assume responsibility for the inspection and arranging for disposal of the suspected device. The Incident Commander shall cooperate with bomb disposal personnel by maintaining the security of the scene and conducting crowd control.

SECTION 5 – INVESTIGATIONS OF BOMBINGS OR BOMB THREATS

Criminal investigations will be conducted of all bomb threats or unauthorized detonation of explosives.

If a bomb has been detonated, the area 300 feet around the area of the blast should be secured to allow collection of evidence. Additional unexploded bombs or explosives may be in the same area and could present a hazard.

If a bomb has already been detonated, the Oregon State Police Bomb Squad and Arson Squad can be a resource in assisting with the investigation.

CHAPTER 37 – ARREST WARRANTS AND SEARCH WARRANTS

SECTION 1 – WARRANT SERVICE

1. DUTIES OF OFFICERS SERVING ARREST WARRANTS

Officers serving warrants either by the Warrant Service Task Force (if assigned), or in the normal course of their duties, shall confirm the warrant prior to taking the suspect into custody. Confirmation should not be made until contact is made or immediate contact with the subject is anticipated.

Confirmation shall be made by one of the following methods:

- Warrant is in the possession of the officer
- Warrant is in the possession of Central Dispatch or Sheriff's Office
- Warrant has been confirmed through the issuing agency via the confirmation number listed on the LEDS warrant information

Upon taking the suspect into custody, the officer will inform Dispatch and request the warrant be cleared from LEDS and/or NCIC.

2. ATTEMPTING TO LOCATE (ATL)

Officers attempting to locate and arrest a person wanted on warrants shall always be accompanied by a second cover officer, as an officer-safety precaution.

Officers attempting to locate and arrest a person wanted on a warrant shall always notify Dispatch of the subject of interest and the location of the intended arrest. If the wanted subject has caution indicators, indicating the subject is particularly dangerous, supervisors should be notified so that sufficient resources can be deployed to maximize the chances of a safe arrest.

3. WARRANT SERVICE REQUEST FROM OUTSIDE AGENCIES

Upon receipt of any request from an agency outside The Dalles Police Department for service of its warrant, there shall be a request for a copy of the warrant or confirmation of the warrant by teletype from the originating agency.

When the warrant has been verified and confirmed, the arresting officer shall inform Dispatch that the subject is being taken into custody and request that the warrant be cleared and the originating agency be notified. During or after the booking procedure, the arresting officer shall verify that the warrant has been cleared and so note in the officer's custody report.

SECTION 2 – OBTAINING AN ARREST WARRANT

If an officer develops probable cause to arrest a subject, but the subject cannot be located for arrest, the police report may be forwarded to the District Attorney's Office for an arrest warrant under normal channels. If the officer has reason to believe the process should be expedited due to the suspect posing a risk to the public, the officer may contact a supervisor and/or the District Attorney's Office directly to make appropriate arrangements.

If the officer has probable cause to arrest a subject, and the subject is inside his or her home, the officer may make an arrest if the subject voluntarily admits the officer inside the home or voluntarily exits the home.

If the person to be arrested is inside his or her home and will not voluntarily submit to the arrest, and exigent circumstances are not readily apparent, the member will:

- Consult with his or her supervisor as to the advisability of obtaining an arrest warrant.
- Arrange for the security of the scene.
- Contact the District Attorney's Office for advice and assistance in drafting the affidavit. If after hours, contact the on-call DA or Deputy DA.
- Contact a judge of the Circuit Court and personally swear to the affidavit.
- When the judge signs the warrant, it may be served personally or by notifying the officers at the scene.
 - Reasonable force may be employed in gaining entry.
 - Officer safety and the safety of surrounding citizens will be considered when determining if forced entry will be used.

SECTION 3 – OBTAINING SEARCH WARRANTS

To obtain a search warrant, the investigating officer shall prepare an affidavit which details the probable cause to search the person or premises named. This affidavit must be signed by the officer to be valid.

Prior to preparing an affidavit, the investigating officer shall consult with a supervisor and, when practical, have the supervisor review the affidavit prior to contacting the District Attorney. If the DA is in agreement with the contents of the affidavit, then a judge can be contacted for his or her signature on the warrant.

If the search warrant needs to be signed by a Wasco County Circuit Court judge and the judge is not available to review the affidavit and the search warrant in person, the affidavit and the search warrant can be sent to the judge electronically. The following email search warrant procedure will be followed when sending affidavits for search warrants and search warrants electronically.

1. EMAIL SEARCH WARRANT PROCEDURE

- Prepare the affidavit for the search warrant request BEFORE calling the on-call judge.
- Prepare the form of the search warrant BEFORE calling the on-call judge.
- Sign the unsworn affidavit and send it and the form of warrant by email to the judge.
- Before sending the documents by email, make a phone call to the on-call judge.
- Then, send the documents via email to the judge.
 - Phone numbers and email addresses for judges are available from Dispatch.

- When sending the documents by email, an unsworn affidavit must include the officer's name and officer's signature at the end of the document.
- All documents must be sent in PDF format.
- Before sending the documents, make the telephone call to the judge. The judge will stay on the line while the documents are sent or return the call once the documents have been received.
- If there is an unsworn probable cause statement, the judge will administer the oath over the phone, then stamp the oath on the document and sign it with the date and time.
- If the judge approves the warrant, he or she will sign electronically and send the warrant back to the officer via email. The signed warrant the judge emails to the officer is the original.
- Print this warrant and file it with the Court on the following business day, along with the return, affidavit, and any other related documents.

A detailed guidebook which outlines the steps to prepare the electronically transmitted affidavit will be kept in a three-ring binder in the Report Writing Room. Officers are instructed to familiarize themselves with this guidebook. The guidebook will contain the contact information, including email addresses, of the local judges.

Due to the exigency of dropping alcohol levels, an affidavit for a warrant in cases of DUII where the driver has refused a breath test may be reviewed by another officer if a supervisor is not immediately available. An officer may seek advice from a supervisor or from the District Attorney. Refer to the section on DUII warrants below.

Pre-search warrant briefings are required if execution of the search warrant may result in contact with a hostile suspect/occupant of the premises to be searched. In certain circumstances, such as search of an impounded vehicle or blood draw, a pre-search briefing is not required.

When executing search warrants, all personnel not in uniform will display a badge and/or a "POLICE" placard on their exterior clothing. An exception would be made for those officers using subterfuge to gain entry.

All personnel involved in the search warrant entry shall wear body armor.

When the Department has information that indicates execution of a search warrant or an arrest warrant may be particularly dangerous, use of the SERT team or outside agency SWAT team may be considered. Approval by the Chief or Captain is required in either case, and the SERT Commander should be provided with advanced notice if the situation permits.

2. SEARCH WARRANTS FOR DUII ARREST BLOOD/URINE

In certain circumstances, an officer who makes an arrest for DUII under ORS 813.010 is required to prepare a search warrant affidavit to allow the drawing of blood or taking of urine samples for later analysis by the OSP Crime Lab.

During regular judicial business hours, an affidavit can be prepared and a judge located to review and approve it. However, after hours or on non-judicial days, an affidavit will be prepared and transmitted electronically to a judge via email for his or her review/approval.

SECTION 4 – SERVING SEARCH WARRANTS

When serving a search warrant at a premises or residence, the case officer will:

- Complete an Operations Plan.
- Coordinate with the shift supervisor for supporting officers.
- Conduct a Pre-Briefing detailing the crime, evidence, and suspect information, as well as any known safety concerns.
- Assign members of the search team to tasks or duties.
- Notify Dispatch and the chain of command prior to arrival at the search location.

WARRANT ARREST CASE FILE AND REPORT

The officer will complete a report and include in it all pertinent materials, including copies of the affidavit and warrant.

CHAPTER 38 – OFFICER-INVOLVED SHOOTING, USE OF DEADLY FORCE

SECTION 1 – COMPLY WITH OREGON REVISED STATUTE 181.789

The Department will comply with the provisions of Oregon law regarding officers involved in the use of deadly physical force, quoted below.

(1) As used in this section, “involved officer” means:

(a) A police officer whose official conduct, or official order to use deadly physical force, was a cause in fact of the death of a person. As used in this paragraph, “order to use deadly physical force” means an order issued to another officer to use deadly physical force in a specific incident or an order or directive establishing rules of engagement for the use of deadly physical force for a specific incident.

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

*(A) Began before or during the use of the deadly physical force; **and***

(B) Was reasonably likely to have exposed the police officer to greater stresses or trauma than other police officers experienced as a result of their involvement in the incident before or during the use of the deadly physical force.

(2) A law enforcement agency shall adopt a policy dealing with the use of deadly physical force by its police officers. At a minimum, the policy must include guidelines for the use of deadly physical force.

(3) (a) For each involved officer employed by a law enforcement agency, the law enforcement agency shall pay the costs of at least two sessions with a mental health professional that are attended by the officer. The sessions must be held within six months after the incident in which the officer was involved.

(b) An involved officer shall attend at least one of the sessions described in paragraph (a) of this subsection.

(c) Sessions with a mental health professional under this subsection may not be substituted for a fitness for duty examination required or requested as a condition of employment by the law enforcement agency that employs the involved officer.

(4) For at least 72 hours immediately following an incident in which the use of deadly physical force by a police officer resulted in the death of a person, a law enforcement agency may not return an involved officer to duties that might place the officer in a situation in which the officer has to use deadly physical force. A law enforcement

agency may not reduce an involved officer's pay or benefits as a result of the law enforcement agency's compliance with this subsection. Notwithstanding ORS [181A.805 \(Grants\)](#) (1), a personnel cost incurred in complying with this subsection by a law enforcement agency employing 40 or fewer police officers is an expense for purposes of ORS [181A.805 \(Grants\)](#).

(5) (a) A law enforcement agency employing an involved officer shall include at least one police officer from a different law enforcement agency in the investigation of the incident in which the involved officer was involved.

(b) The failure of a law enforcement agency to comply with paragraph (a) of this subsection is not grounds for suppressing evidence obtained in the investigation.

(6) (a) A law enforcement agency shall collect at least the following information relating to incidents in which a police officer's use of deadly physical force resulted in the death of a person:

(A) The name, gender, race, ethnicity and age of the decedent.

(B) The date, time and location of the incident.

(C) A brief description of the circumstances surrounding the incident.

(b) A law enforcement agency shall promptly submit the information collected under paragraph (a) of this subsection to the Department of Justice.

(7) The department shall compile and periodically publish information submitted under subsection (6) of this section. The department, by rule, may specify a form to be used by law enforcement agencies in submitting information under subsection (6) of this section. [Formerly 181.789]

SECTION 2 – PROCEDURE

There are two separate and distinct types of force investigations: 1) Routine use of force not resulting in death and, 2) serious use of deadly force that results in death or the discharging of a firearm at another person. These investigations are similar but distinct in the magnitude of impact to the community and the investigatory effort involved.

An officer who, in the line of duty, uses deadly force or inflicts serious injury by the use of deadly force, or is deemed by his or her supervisors to have exposed himself or herself to severe emotional trauma, shall be automatically placed on administrative leave. Administrative leave after a traumatic incident is not considered disciplinary. The officer will receive five (5) days off, with pay, in addition to his or her next regular weekend.

Administrative leave in these circumstances may be extended for:

- The completion of the investigation of the incident.
- Time needed for the officer to return to full duty.

During the administrative leave, the member shall provide his or her Shift Sergeant with a phone number where he or she can be called should the necessity arise.

During the administrative leave, the officer will be asked to report for an investigative interview. The officer will also be asked to meet with a clinical psychologist or counselor prior to returning to duty.

1. DISCHARGE OF A FIREARM INVOLVING THE SHOOTING AT OR OF A PERSON

All incidents involving the shooting at or shooting of a person will be investigated. The use of deadly physical force is to be the last resort when no other option appears reasonable to accomplish a lawful goal. Deadly physical force results in grave risk of legal and civil liability. Investigations into the use of deadly physical force are governed by law encapsulated in this Policy Manual and require the utmost care and detail.

At the discretion of the Chief of Police, an outside agency may be requested to conduct such an investigation. At least one member from the State Police, Sheriff's Department, or Department of Justice shall be assigned to the shooting investigation. Investigators shall assign a lead investigator who will direct all aspects of the shooting investigation.

2. INVOLVED MEMBER RESPONSIBILITIES AT THE SCENE

All officers involved in shooting at a person shall:

- Secure their weapons and protect them for examination.
- Be relieved of duty as soon as possible, by a commanding officer, without loss of pay or benefits, pending the results of the investigation.
- Be available at all times for official interviews and statements regarding the case and shall be subject to recall to duty at any time. They shall notify the investigating officer prior to leaving the scene.
- Upon request of the investigating officer, surrender the involved firearm to the investigating officer. If the firearm is the member's issued sidearm and there is no indication of violation of law or policy, a supervisor may immediately issue a replacement Department-owned duty weapon.
- The involved members' uniform may be evidence and if asked to do so, the officers will turn over all requested items to the investigating officer.
- Refrain from discussing the incident with anyone other than a supervisor or other person in official capacity, except to impart suspect information to assist in apprehension.
 - This does not prohibit the members from discussing the case with their own attorneys, union representatives, or union attorneys should they desire to do so.
 - The members may also talk to clergy, mental health personnel, or Peer Support team members.

3. SUPERVISOR RESPONSIBILITIES AT THE SCENE

The supervisor responding to the scene shall be responsible for the following duties:

- Command of the scene until the arrival of the appointed investigating officer.

- Protecting the scene by immediately roping off the immediate area, if possible, and removing all unauthorized persons, INCLUDING police officers not required at the scene. The scene will be protected until the completion of the investigation or as the investigating officer determines.
- Asking involved members for a brief description of what happened. This is not considered a discipline interview but is to provide the supervisor with the information necessary to ensure the scene is safe, to be aware of what areas or evidence need to be preserved, and to provide the investigator sufficient information to obtain a search warrant (if needed) to permit investigators access to the scene.
- The investigating officer will determine when the involved member's(s') presence is no longer required at the scene.
- Notify the Detective Sergeant and the Chief of Police. The supervisor shall also notify the District Attorney and the Medical Examiner if needed.

4. REMOVING INVOLVED MEMBERS FROM THE SCENE

After additional resources are on scene, the involved officer(s) shall be transported back to the police station. Once at the station, the involved member(s) should:

- Have another Department member or Peer Support member remain with the officer while at the station.
- Notify the preferred family member or other trusted person of the incident at the officer's choosing.
- Be put in contact with a union representative in a timely manner.
- Be allowed to speak with the union attorney prior to any questioning or debrief.
- Be allowed the opportunity to speak with the chaplain or a member of the Peer Support team.

5. COMPLETION OF INVESTIGATION

Upon completion of the investigation, all information will be forwarded to the District Attorney. When releasing the information for internal purposes would not interfere with the District Attorney's process, the Chief of Police will obtain a copy of the investigation.

The Chief may:

- Suspend the officer, without pay, if the District Attorney files criminal charges or if a Grand Jury returns a "True Bill."
- Reinstatement the officer to active duty if the investigation determines the incident to be justified or a Grand Jury returns a "Not True Bill," except in those situations where pending Department charges dictate disciplinary action that requires the officer to be under suspension.

CHAPTER 39 – LETHAL AND LESS LETHAL WEAPONS

SECTION 1 – FIREARMS POLICY ACKNOWLEDGEMENT

By nature, adherence to firearms and Use of Force policy is a serious matter, and a member found to be in violation would be subject to discipline up to and including termination.

This Policy is adopted with the intention of ensuring the safety of both officers and the public. While it may be necessary for an officer to fire at an offender, it is reasonable that every effort be made to avoid such action. No officer will be criticized for firing to defend the officer or another when faced with death or serious injury, nor will an officer be criticized should he or she withhold firing when the safety of the public or the danger of death or injury to an offender would not be warranted by good judgment, this Policy, or state law. It should be remembered, however, that the use of lethal force must not only be legally authorized, but also socially and morally warranted and in keeping with the ideas of rational and human social control.

ACKNOWLEDGEMENT OF POLICY

All personnel will be required to read the Firearms Policy and sign the form for inclusion in the officer's firearms training file.

TO: _____

Chief of Police

SUBJECT: FIREARMS POLICY

This is to certify I have read and understand The Dalles Police Department's Firearms Policy and Oregon law under ORS 161.239.

Name _____

Rank _____

Date _____

SECTION 2 – AUTHORIZATION OF FIREARMS PROHIBITED WEAPONS

Officers shall not carry or use metal knuckles, sap gloves, sling shots, blackjacks, or other such weapons.

Members shall not arm themselves while on duty with any gas projectile gun, or any other such device without the approval of a supervisory officer. This approval shall be given in any emergency requiring such weapons, but only for the duration of an emergency, and only to officers qualified to use such weapons. The use of non-Department weapons must be approved by the Chief of Police.

The standard service weapon is defined as Glock .40 cal. or 9mm Model 22 or 23, and will be issued to police officers and reserves upon completion of initial use of force and firearm training.

Officers will carry a Department-issued weapon for on-duty use. Officers requiring a more concealable firearm for a special assignment will seek approval from the Range Master.

Officers may change the included back strap or add a slip-on grip to suit the officer's hand size. Magazine floor plates with a grip loop may be approved by the Range Master. No other modifications are to be made to the issued service weapon.

Officers must post a passing score with their issued service weapon twice a year, and must receive 8 hours of use of force or firearms training annually.

1. DEFINITIONS

Secondary Weapon – a personally-owned handgun which is carried in addition to the required service weapon while the officer is on duty.

Off-duty Weapon – a pistol which is carried concealed while the officer is off duty. It shall not apply to firearms carried for hunting or other sporting purposes.

Secondary weapons and off-duty weapons shall be of modern construction and of good quality. Such weapons shall be approved by the firearms instructors based on both the quality and functionality of the weapon. Officers must demonstrate knowledge and familiarity with the weapon, and must post a qualifying score at least annually with any secondary or off-duty weapon.

The Department shall not be responsible for the loss or damage to personally-owned weapons officers elect to carry as secondary weapons.

All officers shall be armed with an approved firearm at all times when on duty, unless the officer's supervisor has issued a directive that, because of the officer's assignment and the nature of his or her work, it would be inappropriate for that officer to be armed with a firearm.

Officers assigned to patrol shall be armed with a standard service weapon and shall carry two complete reloads.

Officers assigned to plain clothes duty shall be armed with a standard service weapon, unless an exception is granted by the Range Master.

All firearms carried by officers of the City of The Dalles Police Department as standard and secondary (back-up) will be recorded on the firearms authorization form and made part of the firearms records.

The final approval for all firearms will be at the discretion of the Chief of Police.

2. AMMUNITION

Firearms shall be loaded with Department-approved ammunition which shall not be modified in any way. Ammunition will be furnished by the Department for the standard duty weapons only.

All rifle ammunition, shotgun ammunition, and tear gas will be furnished by the Police Department. All ammunition will be factory ammunition.

SECTION 3 – OFF-DUTY AND PLAIN CLOTHES CARRYING

The carrying of a firearm while off duty is optional and not required for regular sworn officers serving under compensation. No officer shall be subject to disciplinary action for failure to take direct enforcement action due to being unarmed; however, officers shall be expected to take such action as is appropriate given the totality of the circumstances.

When an officer anticipates that he or she will consume alcoholic beverages while off duty, the officer shall not carry a firearm. If the need arises for police services while an off-duty member is visiting an establishment which serves liquor, the member shall call the Department and request an officer to respond.

Reserve officers will not carry their Department-issued firearms while off-duty. The Department does not grant reserve officers special rights to carry a firearm concealed, and reserves wishing to do so must obtain a concealed firearm permit in the same manner as any citizen, and must carry a personally-owned firearm.

SECTION 4 – SECURITY OF FIREARMS

Officers shall provide maximum security for all firearms in their custody.

Officers shall not place any firearms or other weapons into Department facilities except when the place of storage is locked.

Officers shall not lend their Department-issued duty firearm to any person.

Officers shall not lend, give, or sell any firearms to any persons who do not have a legal right to possess firearms. Officers will follow Federal and State law regarding the proper transfer of personally-owned firearms.

Officers who store their issued firearm at home when off duty must abide by SB554 (2021) which requires a firearm not carried or under the control of the owner, possessor, or authorized person to be secured:

- With an engaged trigger or cable lock
- In a locked container
- In a gun room

Reserves will store their issued firearms in their designated Department lockers when not on duty. In all cases, firearms stored in Department lockers shall be locked unless the employee is in direct control of the contents of the locker.

Officers who leave the state of Oregon, whether traveling for official duty or not, are expected to know and abide by the outside state's laws pertaining to concealed carry of firearms. If flying while armed, the Transportation Security Administration's policy on flying while armed must be carefully followed.

1. SERT AND SPECIAL WEAPONS FIREARMS

Due to their special needs, SERT personnel, during SERT callouts, are authorized to carry firearms not usually authorized.

Training, qualification requirements, and authorization of such firearms shall be made by the SERT Commander with the approval of the Chief of Police.

Approved firearms and weapons may include:

- Departmental bolt action rifle, semi or fully automatic pistol, rifle, or shotgun
- Chemical agent launchers, aerosol sprayers, hand thrown devices, and equipment
- Flash bang diversionary devices
- Less lethal impact weapons

2. SECURITY OF SERT AND SPECIAL WEAPONS

Departmental special weapons are to be stored in a designated weapons storage area. All command personnel and SERT members will have access to this equipment.

The officers responsible for these weapons shall inspect them prior to their tour of duty or upon the issue of special weapons.

Special weapons shall not be carried in a vehicle with a chambered round except when suspect contact is imminent.

Armored protective vests are provided for the use of SERT personnel assigned to the entry team. Use of these vests by other members is authorized when approved by supervisory personnel.

SECTION 5 – RIFLES

All patrol rifles will be furnished by the Police Department. Rifles are equipped with flip-up sights and a red dot sight, a rifle mounted light, and a quick detachable sling.

Department-owned rifles will not be modified, and no additional accessories will be added without permission of the Range Master. Department rifles will not be disassembled beyond normal field stripping for cleaning except by a firearms instructor with specific training.

All patrol officers authorized to use a rifle will demonstrate safe firearm handling skills, and will post a qualifying score twice a year on a course developed by the firearms instructors and approved by the Chief of Police.

All patrol rifles not under the immediate personal supervision of a sworn officer shall be securely stored in the designated area.

Officers will be responsible for the cleaning and upkeep of the patrol rifle that corresponds to their assigned patrol vehicle. The Chief, Captain, and Detective Sergeant will also be assigned rifles, and will be responsible for the cleaning and inspection of their assigned rifles.

Uniformed patrol officers shall, upon going on duty, equip their patrol vehicle with the department-issued rifle of corresponding number to their assigned patrol car. An exception to this would be when the matching rifle is not available due to training or repair. In this situation, the officer will equip his or her patrol car with an available rifle.

At the beginning of shift, the officer shall ensure that the rifle is clean, fully operational, loaded as prescribed, and securely locked in the electric lock rack when not in use.

Rifles carried in the patrol vehicle shall not be carried with a round in the chamber until such time that it becomes necessary and obvious that a dangerous suspect contact could or will be made.

All rifles in the vehicle will be loaded with a magazine of Department-issued duty ammunition, safety engaged, and the chamber unloaded.

The rack will be unlocked only when the gun is to be removed in preparation for authorized use, inspection, cleaning, or storage.

Rifles removed from the electric lock rack shall remain in the custody of a sworn police officer.

Rifles shall be removed from the patrol vehicles when being serviced or repaired, are disabled, or while the vehicle will be out of use for an extended period of time.

When a rifle is placed in the designated storage area in the building, the magazine will be removed, the chamber will be empty, the bolt will be locked open, and the charging handle will be retracted.

Any officer who finds a rifle in any condition other than specified shall report that fact to his or her Shift Sergeant in writing. The Shift Sergeant will make every attempt to find out why and by whom the rifle provisions were not followed.

The result of the supervisor's investigation will be forwarded to the Chief of Police and the firearms instructor.

SECTION 6 – FIREARM TRAINING AND QUALIFICATION

1. NEW MEMBERS

A new member will typically receive initial training on a one-on-one basis from a firearm instructor. This will include instruction on policy, use of force/justification laws, safe firearm handling, and marksmanship. The new member will also receive firearm training at the range (more than one session if needed) until the new member can post qualifying scores and the instructor is satisfied with the new member's firearm handling skills and safety.

2. REGULAR TRAINING AND QUALIFICATIONS

At least 2 firearm training sessions will be conducted annually, of 4 hours each, typically each spring and fall. These sessions will include both training drills and a firearm qualification course, and each member must post a qualifying score with his or her duty firearm and (if authorized to carry a rifle) the patrol rifle. Members must post qualifying scores with any backup or off-duty firearm at least annually.

A make-up for these two sessions may be scheduled for a member with a scheduling conflict, as approved by the Range Master.

A third 4-hour training session, mid-summer, may be conducted and will focus primarily on skill building and specific training and will not typically involve qualification courses.

All members, regardless of rank, will follow range safety rules and the instructions issued by firearm instructors during firearm training.

Officers and reserves must obtain training on use of force, the Department's Policy, and laws regarding justification prior to being issued a firearm.

Officers and reserves must demonstrate safe firearm handling skills, and post a qualifying score prior to being authorized to carry a firearm.

In order to remain qualified to carry a duty firearm or a patrol rifle, each member must post a qualifying score twice annually.

Officers who wish to carry a secondary (backup) firearm, or a concealed firearm for off-duty carry, and reserves who wish to carry a secondary firearm, must qualify with that firearm at least annually. Note: The Department does not certify reserves as being able to carry concealed while not on duty; however, a reserve may obtain a concealed carry permit in the same manner as any citizen. Reserves may not carry a Department-owned firearm while not on duty.

3. THE FIREARMS INSTRUCTOR AND RANGE MASTER

Members interested in serving as firearms instructors will apply for the position when a vacancy exists, and will be selected at the discretion of the Chief of Police. Once selected, the member will attend firearms instructor training and obtain, and maintain, certification as a firearms instructor as required by the Department of Public Safety Standards and Training.

The Range Master is a firearms instructor in a supervisory role, designated by the Chief of Police. The Range Master is responsible for overseeing scheduling; documentation of training; the procurement of ammunition, equipment and firearms; and overall operations of firearms training. The Range Master will also ensure all safety practices and Department policy are followed.

The firearms instructor is responsible for the following:

- Instruction in the safe handling, storage, care and cleaning, and use of firearms
- Marksmanship and regular firearms practice
- Overall operation of the police range
- Conducting qualification courses and the certification of personnel in handling of weapons
- Instruction of police reserves
- Providing necessary safety-related equipment for use at the range such as hearing protection, eye protection, and hand cleaning facilities
- Ensuring compliance with policy and safety rules. A firearms instructor has the authority to order any member off of the firearms range for a safety concern, at the instructor's discretion. If such

action is taken, written notification of the safety problem or rule violation will be made to the Range Master, who will forward the information to the Captain.

- Providing new members with initial instruction on Use of Force policy and law
- Any other duties as prescribed by the Chief of Police relating to police survival or the use of firearms

At each firearm qualification the firearms instructor shall:

- Record the type, caliber, and serial number of all Department and privately-owned firearms with which each member wishes to qualify.
- Ensure that all weapons are safe prior to being fired on the range.
- Record firearms qualifications scores.
- Provide a written notification to the Chief of Police of the qualification scores fired by each officer.
- Provide a written record to the Chief of Police of all weapons authorized for use by the officers.

The Range Master will maintain a file which will contain documentation of attendance, a description of courses fired and instruction given, and qualification scores of individual members.

4. USE OF POLICE RANGE

The use of the police range is restricted to current sworn members of The Dalles Police Department (regulars or reserves) and to current sworn members of Oregon State Police. No other persons may be at the range during firearms training operations, including members of other police agencies, in order to comply with the terms of the contract with the property owner.

Note: This contract may be updated periodically to fit the needs of the Department, the Oregon State Police, and/or for necessary multi-agency training.

Civilians who must provide a service at the range (such as servicing the porta-potty) are the only exception to the above. In this case, the civilian will be escorted by a Department member, and no shooting or firearm training will be conducted while a civilian is providing service at the firearms range.

Members must be on duty when using the police range, at least two members must be present, and one must be a firearms instructor.

Range Security: The range will be locked at all times when not in use. The lower gate will be kept closed when the range is in use, and the "Road closed, range in use" sign will be displayed.

Ammunition is restricted to handguns, shotgun slug or buckshot, and approved rifles at the present time. No bird shot may be fired at the range due to lead recovery concerns.

All shooting must be directed to the designated impact area of the range.

Accidental Shots: All accidental shots causing damage to any part of the range will require a written report from the responsible party to the Chief of Police and to the Range Master.

All safety rules will be strictly obeyed at all times when the range is in use. Firearms instructors and the Range Master have the authority to order any person to leave the range for violation of a safety rule.

The range will be cleaned after use. Spent cases will be picked up and targets will be secured in designated areas. All ammunition will be recovered and put in its proper place.

The range shack and all gates will be locked upon leaving the range.

5. FIREARM QUALIFICATION

All police personnel with the authority to carry firearms will fire on the range a minimum of twice yearly under the direct supervision of the firearms instructor.

- The only exception will be prolonged illness or when excused by the Chief of Police. In these cases, make-up shoots will be allowed.
- All personnel who are required to be armed must post a qualifying score with their duty firearm twice a year. The course will be designated by the Range Master and approved by the Chief of Police, and will generally be the current DPSST qualification course.
- All officers required or authorized to use a patrol rifle will post a qualifying score twice a year. The course of fire will be developed by the firearms instructors and approved by the Chief of Police. A qualifying score will be 85%.
- All plain clothes officers will qualify with the weapon they carry on duty.
- Members unable to participate in the regularly scheduled, mandatory qualification will give notice to the firearms instructor prior to the scheduled time, requesting to be scheduled for make-up qualification.

6. FAILURE TO QUALIFY

- Any officer unable to achieve the minimum required proficiency qualification will have thirty (30) days to do so from the last date fired for qualification and shall do so on his or her own time and at his or her own expense.
- Any sworn officer of the City of The Dalles Police Department who cannot pass the semi-annual qualification may be assigned to duties which do not require the carrying of a weapon until such time as qualification is achieved.
- Minimum proficiency is a condition of employment for members who must carry a duty firearm in the performance of their duties. Failure to achieve minimum proficiency is cause for termination of employment.
- Upon failure of a member to qualify, the firearms instructor will issue the member a firearms "Failure to Qualify" form advising the member of the procedure to follow to be qualified.

CITY OF THE DALLES POLICE DEPARTMENT

FAILURE TO QUALIFY NOTICE

TO: _____

FROM: _____

SUBJECT: _____

DATE: _____

Policy Manual Chapter 39 requires officers of this Department to be qualified with their service weapon. You have failed to qualify on this date _____. You have thirty (30) days to qualify with your service weapon.

Qualification is a condition of employment with the City of The Dalles Police Department. You have until 2350 hours, _____ (date) to qualify. If you fail to qualify by that date and time, you will be suspended without pay at 0000 hours on _____ (date). The suspension will continue for five (5) days, until _____ (date).

It is your responsibility to make arrangements with one of the firearms instructors of the City of The Dalles Police Department for a date to qualify.

7. SECONDARY & OFF-DUTY FIREARMS QUALIFICATIONS

Officers who wish to carry a backup firearm and reserves who carry a backup firearm must first obtain approval by a firearms instructor, must demonstrate safe and effective operation of the firearm, and post a qualifying score.

The officer or reserve will then be required to post a qualifying score at least annually to maintain authorization to carry the backup firearm.

Both the firearms and holsters will be checked for safe and proper functioning.

The officer will demonstrate proficiency with the firearm(s) on a prescribed course as designated by the firearms instructor. A score of 85% must be obtained to be considered passing.

Officers wishing to qualify with secondary or off-duty weapons shall furnish their own ammunition.

Officers failing to fire the minimum qualification will not be authorized to carry the secondary firearm.

SECTION 7 – MAINTENANCE AND REPAIR OF FIREARMS

Each officer is responsible for the proper care and cleaning of firearms issued to the individual officer, to the patrol rifle that corresponds to the officer’s assigned patrol car, and for any personally-owned firearms for which the officer has been qualified to carry as a backup or off-duty firearm. All firearms carried by officers shall be kept clean and in good working order at all times.

Firearms instructors and supervisors shall have the authority to inspect any firearm carried by any Department member at any time, including authorized backup firearms.

Instruction on the proper care and cleaning of Department firearms will be provided by a firearms instructor as part of initial training.

Any officer who notes a problem or has any question as to a firearm's care or condition will contact a firearms instructor.

An officer who damages a Department firearm due to neglect, unauthorized disassembly or modification, or carelessness may be subject to disciplinary action, and may be held accountable for the cost of repair or replacement of the firearm.

Except as described in Section 2 of this chapter, officers will not:

- Make adjustments, beyond ordinary sight adjustments, to Department-owned firearms.
- Replace any part of a Department-owned firearm.
- Attach accessories not authorized by the Range Master to a Department-owned firearm.
- Disassemble a Department-owned firearm beyond the field stripping stage required for routine cleaning.
- Modify or alter any part of a Department-owned firearm.

Although backup or off-duty firearms may be approved or rejected by the Range Master, the individual officer remains ultimately responsible for personally-owned firearms. The individual member is responsible for the cost of any repairs or service to a personally-owned weapon, and is responsible for ensuring the safety of the weapon, holster, and any accessories.

ARMORERS

An armorer is a member, typically also a firearms instructor, who has received advanced training in a specific firearm.

Armorers may, to the extent of their training, fully and completely disassemble Department firearms for inspection and cleaning, replacement of parts, repair, and advanced maintenance. Department-owned firearms requiring repair beyond the scope of an armorer will be returned to the manufacturer, referred to a qualified gunsmith, or removed from service/replaced at the Range Master's discretion.

The Range Master will arrange for routine periodic service of Department firearms by an armorer as needed.

SECTION 8 – CHEMICAL AGENTS

The Department has several different types of aerosol and chemical agent devices. No other devices shall be carried or used by any member of the Department. Use of chemical agent equipment, other than oleoresin capsicum (OC) aerosol spray, must be authorized by command personnel. Approved devices include:

- Oleoresin capsicum (OC)

- "Pepper Fogger" aerosol dispenser
- CS (2-chlorobenzylidene malononitrile, or "Tear Gas") or OC hand-thrown devices
- CS or OC launched projectiles (37mm or 12 gauge)

The use of tear gas is prohibited for the purposes of crowd control except in circumstances constituting a riot as described in ORS 166.015. Prior to using tear gas for crowd control pursuant to 166.015, the Department will announce the intent to use tear gas, allow sufficient time for individuals to evacuate the area, and announce a second time, immediately before deploying tear gas, the intent to do so.

Oleoresin capsicum aerosol spray is issued to all officers working uniformed patrol and may be carried on the duty belt or load-bearing vest. The officer will use OC spray in accordance with training and manufacturer's directions.

The unjustified use of chemical weapons shall be considered as unnecessary use of force, and is a violation of the Policy of the Department.

Any person exposed to a chemical agent shall, as soon as possible, be permitted to thoroughly wash the affected parts of the body with water. Any such person shall be carefully examined by the officer, who will obtain prompt medical treatment.

Use of Department chemical agent equipment, other than oleoresin capsicum, shall be limited to circumstances in which the safety of civilians or police officers dictates its use to control a suspect(s). Its use must be authorized by the on-scene supervisor.

When chemical agent canisters or projectiles of the "burning" type are used in the interior of a building or structure, the potential of starting a fire exists. The standby of Fire Department equipment in such instances is advisable.

Chemical agent projectiles present a danger to persons in the interior of a building. Serious physical injury could result if a person is struck with a gun-launched chemical agent projectile.

The effect of any chemical agent upon a person may vary depending on factors such as age, physical condition, mental state, and drug or alcohol usage. It should be noted that a chemical agent may have no apparent effect in some instances. Prior to the use of a chemical agent in a hostage situation, the following factors should be considered:

- The physical condition of any hostage(s)
- The location of the hostage(s)
- Possible panic reactions on the part of the hostage(s)
- Mental state of the hostage taker
- The possibility the hostage taker is under the influence of drugs or alcohol
- Reduced visibility inside the crisis point if a tactical entry is to be made

The use of gun-launched 37mm or 12-gauge projectiles will be limited to those SERT team Department members who have received training and are familiar with their use.

The use of chemical smoke in the form of smoke grenades or "pepper fog" aerosol is authorized. Smoke is useful as a diversion or to cover the movement of SERT personnel during tactical movement. The fire-causing potential of smoke grenades should be kept in mind.

Appropriate medical care for the subject shall be arranged as soon as it is safe to do so if there is any indicated reaction beyond the expected irritation or discomfort. Depending on the condition of the person exposed and the need for security, contaminated clothing should be changed as soon as possible.

The use of chemical agents may be ordered by any supervisor when it is the only reasonable alternative to the use of force likely to cause serious injury.

- Due to corrosive action, gas weapons must be cleaned as soon as possible with hot, soapy water, followed by a light coating of oil.
- After the initial cleaning, the equipment officer shall be notified of the weapon's use for further cleaning.

Each member shall be trained in the proper use of chemical agents that are assigned to him or her. Training will be by a certified training instructor and will occur every other year.

SECTION 9 – EXTENDED RANGE IMPACT MUNITIONS

Extended range impact munitions are specialty rounds of ammunition designed to be less lethal than standard duty ammunition. Impact munitions are only to be used by personnel who have received training by a certified instructor and qualification in their use within the year.

Impact munitions are available to patrol in the form of 12-gauge shotgun rounds and available to SERT personnel in the form of 37mm gas gun rounds. Impact munitions are cartridges designed to be less lethal but should not be considered "non-lethal." Such rounds can be lethal if fired at sensitive areas of the body (such as the head), or if fired from a range shorter than designated.

The purpose of less lethal impact munitions (LLIM) is to stop a potentially violent threat or aggression, particularly in situations where attempting physical control methods or baton strikes would put officers in unreasonable risk of death or injury. Impact munitions may be used to de-escalate a potentially deadly situation with a reduced potential for death or serious physical injury to all persons involved. They may be used when conventional police tactics appear less advantageous in resolving the situation.

1. CIRCUMSTANCES JUSTIFYING USE

Less lethal impact munitions may provide an alternative to the use of deadly force. They may give officers another tool to attempt to deal with situations that in the past could have led to deadly force being deployed. Examples of where less lethal impact munitions might be used include, but are not limited to:

- A suspect who is about to assault, attempting to assault, or at high risk for assaultive behavior in circumstances where conventional police tactics appear less advantageous.
- A suspect armed with a blunt instrument.
- A person who is threatening to commit suicide.

- Selective incapacitation of intoxicated or mentally disturbed persons who are a threat to their own or someone else's safety.
- Selective intervention in civil disturbances or riots.
- Incapacitation of dangerous animals.
- Use in conjunction with other force options such as OC spray, Armament Systems and Procedures (ASP) batons, etc., to maximize the probability of the successful resolution of the dangerous event.

2. AUTHORIZATION FOR USE OF IMPACT MUNITIONS

The use of impact munitions can only be authorized by a Sergeant, Captain, or Chief of Police.

Only members who are current with their annual training and qualifications of the use of LLIM may utilize these devices.

Supervisors who authorize and members who deploy LLIM are additionally governed by Departmental Policy regarding the Use of Force and Reporting Use of Force.

Members who use LLIM will prepare a Use of Force report detailing the circumstances of the device, including the name of the supervisor who authorized its use.

3. OPERATIONAL CONSIDERATIONS FOR IMPACT MUNITIONS

Impact munitions will only be made available when officers are up-to-date on their annual training regarding their proper use.

A shotgun specially designed for use with impact munitions will be stored in the trunk of the Sergeant's patrol vehicle. The specially designated shotgun will be marked by a yellow-colored stock. Only LLIM will be stored with this weapon.

Loading and unloading of the less lethal designated shotgun is the sole responsibility of the certified member.

The specially designated shotgun will be stored unloaded. It is imperative that the officer identify each round as LLIM before it is loaded into the magazine of the weapon. When possible, the loading of impact munition should be witnessed and verified by another officer.

The LLIM-trained officer will not carry any other shotgun rounds on his or her person.

Under no circumstances will an officer load anything other than impact ammunition into the yellow-stocked less lethal designated shotgun. Conversely, an officer will not load any impact munitions into a standard shotgun.

Whenever safe to do so, a verbal warning should be given to other officers present by the "less lethal designated shooter" just prior to the firing of a LLIM round to avoid live fire by others present. Exceptions are allowable for specific incidents where stealth and surprise are necessary components to a successful plan, such as a SERT incident.

Certified members will not deploy a less lethal designated shotgun without the immediate presence of an armed backup officer.

SERT members may employ any available 37mm gas gun to utilize 37mm impact munitions.

4. MEDICAL CARE OF PERSON STRUCK

Officers involved in the use of impact munitions will summon emergency medical aid when:

- The person struck was hit in the head, neck, or throat.
- He or she has injuries that appear to require immediate medical treatment.
- The person alleges any injuries and requests medical treatment.

A supervisor will respond to the scene, or hospital, and examine the subject for injury and will document, including taking photographs, any injury requiring medical treatment.

SECTION 10 – TASERS

The Taser is a less lethal weapon system that delivers electrical energy and is deployed against subjects who are placing themselves or others in danger of physical injury and/or death. The Taser is designed to incapacitate a person rather than injure him or her. This allows members to take a combative person into custody with a minimum risk of injury to all of the parties involved. The amount of control or force used in an encounter will be governed by the circumstances of each situation.

1. TRAINING AND CERTIFICATION REQUIRED PRIOR TO DEPLOYMENT

The Department will designate a Taser training officer, at the discretion of the Captain. This officer will obtain training and certification as a Taser Instructor.

All members must receive initial Taser training before carrying or using a Taser. Members must remain current on recertification training, at least every other year.

2. GENERAL

The use of the Taser probes and a drive stun will be considered as the same level of control when deployed.

The Taser is a mandatory uniform instrument for officers and sergeants assigned to uniform assignments. Exceptions to this may be made by the Captain. Other units or divisions will be issued Tasers at the discretion of their manager.

At the beginning of the shift, prior to leaving the office, officers will point the Taser in a safe direction and turn the Taser toggle switch to the “On” position. Officers will visually check the LED Display and verify the Taser is operational. Officers will then activate the Taser (Spark Check) by pressing the Arc Display Button and allow the Taser to cycle a full five seconds to ensure the Taser functions properly. After turning the toggle switch to the “Off” position, officers will annotate on their daily MDT/CAD, the assigned number of the Taser they are using and the time they conducted the function check of the Taser.

3. AUTHORIZED USE OF THE TASER

The Taser may be used in the following circumstances:

- A person engages in or displays the intent to engage in aggressive physical resistance to a lawful police action.
 - Aggressive physical resistance is physical actions of attack or threat of attack, coupled with the ability to carry out the attack, which may cause physical injury.
- A person engages in or displays the intent to engage in suicidal behavior.
- A vicious animal poses a threat to the officer or bystanders.

Only those members currently certified with the Taser are authorized to deploy the Taser.

Members deploying the Taser operationally, if feasible, should be supported by at least one officer capable of providing immediate cover. The Taser is not meant to take the place of deadly force options.

4. PROHIBITED USE OF THE TASER

The Taser shall not be used on the following persons or circumstances, unless one of the exceptions following this list is met:

- Children who are known to be, or are obviously, under the age of 12.
- Persons who are known to be, or are obviously, older than 60 years of age.
- A woman who is known to be, or is obviously, pregnant.
- A person who is known to be, or is obviously, medically fragile.
- The Taser will not be used on non-combatant persons. Persons who are passively resisting are not considered combatants.

Exceptions that would permit the use of the Taser on the above persons or circumstances:

- The person is armed with a dangerous weapon.
- The person is engaging in suicidal behavior.
- The person cannot safely be controlled with other force options.

The Taser shall not be used on handcuffed subjects unless the subject is actively engaging in aggressive physical resistance. Members should obtain, when time permits, supervisory authorization before deploying the Taser on a handcuffed suspect. If used, a supervisor will be notified immediately.

In addition, the use of the Taser is prohibited:

- For horseplay or practical jokes.
- At demonstrations or protests without the permission of the Incident Commander.
- To harass or unduly influence a person under any circumstances.
- On subjects engaging in passive resistance.

- From being aimed at the neck, groin, head, or face.

The Taser shall not be used on subjects who are known to have come in contact with flammables or those in areas where flammables are present. The Department currently authorizes the use of a water-based oleoresin capsicum spray that is not flammable. However, some police agencies use an alcohol-based oleoresin capsicum that is flammable. This should be considered when working with outside agencies.

5. CAUTIONARY USE OF THE TASER

Consideration should be given before deployment on individuals who are standing in or near a body of water, in an elevated position, or in such a position where a fall could likely cause serious injury/death. In those cases, other methods of control should be considered unless they are unreasonable, too dangerous, or pose a higher likelihood of injury than deploying the Taser.

Consideration of alternate tactics or less lethal options should be given in the event a Taser deployment, and/or subsequent deployments, is unsuccessful.

Consideration should be given before deployment on fleeing suspects based on the following factors:

- The severity of the crime
- The threat to other officers or citizens
- The subject's known history of violent behavior

6. DEFINITIONS

Probe cartridge – a device that contains two probes, connected to light gauge wire, that is propelled and attached to the subject upon activation of the Taser.

Drive stun – the procedure of using the Taser with a spent probe cartridge or no probe cartridge to make physical contact with a subject and deliver energy.

Immediate cover – a member who stands ready to deploy additional control if needed (i.e., the Taser is ineffective, or it fails to function properly).

7. VERBAL WARNINGS PRIOR TO AND DURING DEPLOYMENT

Members will, if feasible, provide a warning to the subject before using the Taser. The warning should be an explicit statement such as, "Stop, get on the ground, or you will be Tased."

Members should announce to cover officers that the Taser is being deployed. A verbal notification such as, "Taser, Taser, Taser," should be used.

8. CONDITIONS AND BEHAVIOR REQUIRING MEDICAL TREATMENT AFTER DEPLOYMENT

When members deploy the Taser on a person who fits any of the following categories, members must summon EMS to the scene. Members will ensure that EMS examines the person at the scene and transports the person to a hospital unless the person is not in custody, is mentally competent, and refuses examination and transport.

- Children who are known to be, or are obviously, under the age of 12.

- Persons who are known to be, or are obviously, older than 60 years of age.
- A woman who is known to be, or is obviously, pregnant.
- A person who is 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 a pacemaker or defibrillator, kidney failure, cancer, or transplant.
- A person suffering from hyper stimulation (before, during, or after deployment). This includes the following: behaviors such as rapid speech, agitation, apprehension, excitation, restlessness, verbalization of impending doom, emotional instability; 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 (i.e., cocaine bugs), seizures or coma; pale skin, racing pulse or increased breathing; skin temperature hot or very warm to the touch.
- A person suffering from agitated delirium (before, during, or after deployment). This includes the following: severe agitation, over-amped or wired; paranoia; delirium (an abnormal mental state characterized by disorientation, fear, and irritability), altered mental status (a change in the level of consciousness or the content of consciousness), confusion or disorientation, restlessness or purposeless movements in the setting of cocaine use, tremor (i.e., twitching of small muscles, especially facial and finger).
- If the dart probes contact sensitive areas (i.e., face, head, groin, breast).

9. OTHER MEDICAL TREATMENT AFTER DEPLOYMENT

When the Taser is deployed on a person, there is the possibility of needed medical treatment other than those reasons listed above.

- Drive stun mode
 - EMS personnel will not be summoned to the scene unless medical treatment is necessary.
- Probe deployment mode
 - If the probes are embedded in the skin, once the person is in custody, EMS will be summoned to remove the probes and provide medical treatment if necessary. Police personnel can remove the probes under normal conditions.
 - If the probes are not embedded in the skin, EMS will not be summoned unless medical treatment is necessary (probes may be attached to clothing only).
- Mid-Columbia Fire & Rescue (MCFR) will be the First Responder to deployments that require only the removal of probes and no other medical treatment, other than removal and treatment of the wound caused by the Taser probes. To ensure a response from MCFR only, members must advise Dispatch that the patient is breathing, conscious, and only MCFR is needed to remove the Taser probes. Request MCFR as “Public Assist.”

10. ACTIONS FOLLOWING THE USE OF THE TASER

Following the operational discharge of Taser probes, the Taser probes will be collected and placed into evidence. Members will use biohazard precautions when handling Taser probes that were removed from a person. The used Taser probes will be re-inserted, point down, into the discharged air cartridge and covered with biohazard tape before being placed into evidence bags.

The property receipt and the report will note the serial number of the cartridge deployed. The police report will also note the serial number of the Taser.

Members will photograph the areas of the probe strikes, if possible, before and after probe removal. Consent should be obtained before photographing personally sensitive areas.

11. ANTI-FELON IDENTIFICATION (AFID) TAGS

AFID markers are small tags that are dispelled when a Taser is deployed.

In a case where it appears a person may be seriously injured, regardless of how the injury was caused, the pattern of AFID tags should be photographed. The photographs should show the location of the AFID tags in relation to where the officer and suspect were at the time of deployment. Once photographed, AFID tags from each area of deployment should be taken as separate items of evidence.

Photographing and collecting AFID tags must be done as soon as possible due to their tendency to be dispersed or lost.

12. NOTIFICATION AND REPORTING OF USE

After a Taser deployment, the deploying officer will immediately notify an on-duty supervisor. If the deploying member is incapacitated or otherwise unable to make the notification, another member at the scene will make the notification.

Members using a Taser on a person will prepare a Use of Force report and complete the appropriate reports documenting the circumstances of the Taser deployment prior to the end of shift. The report shall document:

- The specific circumstances leading to the use of the Taser.
- All verbal warnings given to officers and the subject. If no warnings were given, members will document the circumstances that precluded any warnings.
- If deployed on any person or in any circumstance described in prohibited use of the Taser or cautionary use of the Taser, members will explain what considerations were taken and why other methods of control were unreasonable, too dangerous, or posed a higher likelihood of injury than deploying the Taser. For example, the subject was armed with a dangerous weapon.
- The distance from which the Taser was used.
- The serial number of the Taser used.

CHAPTER 40 – COURT PROCEDURES

SECTION 1 – APPEARANCE COURT ATTIRE

It shall be the responsibility of every member of the Department to appear in court when requested by a proper authority.

When appearing in Municipal, Circuit, or outside jurisdiction Court, patrol members shall wear their duty uniform.

In the event of Grand Jury appearances and other official hearings such as a DMV hearing, patrol officers are authorized to wear their training/utility uniform that consists of a black polo shirt and BDU tactical pants.

Plain clothes investigators will wear a tie for Municipal and Circuit Court appearances, and normal workday attire for DMV hearings and Grand Jury appearances.

Female plain clothes personnel shall wear clothes appropriate for a conservative businesslike appearance.

If appearing before a judge or a jury, any tattoos will be covered by uniform shirt sleeves or, if appearing in plain clothes, dress shirt sleeves.

Approval for any situation that is not described in this section must be made with the Captain or Chief of Police prior to the appearance.

APPEARING IN COURT, PROMPT, CONFIRM

- A member of the Department appearing in a court of law shall be punctual and conform to the court's rules of conduct.
- Upon notification of a required court appearance, members shall be responsible for confirmation of their required appearance. Court appearances shall be confirmed by calling the Municipal Court Clerk or District Attorney's Office 24 hours prior to the officer's appearance time.
- Failure to confirm a court appearance prior to reporting to court will void any overtime request, should the appearance be unnecessary due to a set over, plea, or other reasons which could have been determined by calling the Municipal Court Clerk or District Attorney prior to reporting to Court.

SECTION 2 – CASES AND SUBPOENA FEES

Department members may be subpoenaed to testify in civil cases that arise out of the members' official duties. If an attorney calls to contact a member, the attorney's number shall be immediately forwarded to the member. The member shall call the attorney at his or her earliest convenience.

The Department may accept civil subpoenas which deal with Department business for the Department members. The Chief of Police, Captain, and administrative staff can accept civil subpoenas for Department members. The subpoenas will be placed into the member's mailbox and considered as served.

A member's statement to any attorney, court, or any other party should be of an objective, professional nature.

A member shall not discuss any civil case which is currently being handled in court by the District or City Attorney without the Attorney's prior approval.

A member who has any contact with an attorney or any member of the court shall be courteous and respectful in manner.

SUBPOENA FEES

Subpoena fee checks received by any member, while being compensated at regular or overtime rate of pay, shall be endorsed then forward the check received to the Captain. The Captain will forward the check to the finance department.

Checks shall be endorsed to City of The Dalles General Fund above the member's signature.

SECTION 3 – SUBPOENA SERVICE AND COURT NOTIFICATION

Subpoena service officers may accept subpoenas on behalf of Department members.

The subpoena service officers for the Department are: Chief of Police, Captain, and administrative staff.

One of those persons designated shall be available during normal business hours.

No person other than those designated shall accept subpoenas from other agencies. If no subpoena officer is available, the person delivering the subpoena shall be instructed to serve the named officer in person.

Subpoenas shall not be accepted for service unless the officer named is currently employed as a member of the Police Department at the time of service.

When a subpoena officer receives a subpoena for a Department member, the subpoena officer will check the work schedule. If it appears the member will receive adequate notice of the court appearance by receiving the subpoena upon reporting for regularly scheduled work hours, this will be done.

If it appears necessary to notify the member immediately, this may be done by phone call.

When those persons designated receive a subpoena for service, they shall serve the subpoena by delivering a copy to the named officer in person.

If the named officer cannot be notified or served, the subpoena officer shall notify the court by returning the unserved subpoena prior to the court date.

1. COURT NOTICES

The Municipal Court, Circuit Court, or Grand Jury may issue court appearance notices to City officers in a form other than by subpoena, such as email or a written memo. If the officer to appear is not on duty, the subpoena service officer will check the schedule to determine if the officer will receive adequate notification by receiving the memo upon reporting for regularly scheduled duty, or if it is necessary to call the officer during time off.

2. MUNICIPAL COURT AND CITIZEN SUBPOENA

If an officer has been notified of a municipal trial which is not being prosecuted by the City Attorney, such as a traffic violation, parking violation, or animal violation, and the officer needs to call a witness, the officer

is responsible for timely notification to The City of The Dalles Legal Secretary. The officer shall provide the Legal Secretary with the name and contact information so that a subpoena can be created for the witness. Officers shall confirm the witness has been served prior to the trial date. If the witness has not been served prior to the trial, the officer should consult with The City of The Dalles Court Clerk about rescheduling the trial.

CHAPTER 41 – LEAVE

SECTION 1 – VACATIONS AND LEAVES

The accrual and use of vacation time, compensatory time, and holiday time shall be per union bargaining agreement. For non-union employees, it shall be per City policy.

Any vacation accrued in excess of two times the annual accrual, as of July 1st of any given year, will be forfeited. In the event an employee requested vacation but was denied its usage, the excess accrued vacation shall be paid in cash to the employee. Vacation shall normally be requested at least four (4) weeks in advance and approved or denied at least two (2) weeks prior to the first day of such vacation.

Upon the termination of an employee, he or she shall be paid for all earned but unused vacation at the employee's current wage rate.

If the employee is either sick or hospitalized prior to going on vacation, he or she may call the Department head and cancel his or her vacation and not be charged until he or she comes back to work and reschedules his or her vacation.

Preference in vacation, compensatory time off, and holidays scheduling shall be by seniority. Vacation requests are to be on a roster circulated by seniority in January of each year and subject to Shift Sergeant and Chief of Police approval. Such exercise of seniority shall be limited to one selection of one vacation period per each calendar year.

SECTION 2 – SICK LEAVE

A member who is unable to report for duty because of a medical disability to himself or herself shall personally contact a supervisor in his or her unit or, if one is not available, another on-duty supervisor, giving the nature and expected duration of the medical disability.

The supervisor receiving the notification shall notify the Captain.

As soon as a member is notified that another member has been hospitalized, he or she shall, if appropriate, notify the Captain.

Members off duty for more than three (3) consecutive days because of medical disability may be required to present a doctor's certificate upon returning to work.

Members off duty due to illness of any duration, in addition to any other forms, will be required to submit an illness report.

The illness report will be filled out and submitted to the member's shift supervisor within three (3) days after returning to work.

Illness reports will be submitted to the Captain by shift supervisors for inclusion into the member's personnel file.

The supervisor of the medically disabled member shall make inquiry verifying the cause of absence whenever a member has used an unusually large amount of sick leave or if, in the supervisor's opinion, sick leave is being abused.

Each doctor's certificate shall be subject to the approval of the Captain. In the event of disapproval, the period in question shall be changed in the payroll time book from sick leave to absence without pay or, if the member consents, vacation time or comp/holiday time.

Shift Sergeants shall be responsible for analyzing sick leave claims, finding abuses, and taking any appropriate action.

SECTION 3 – MILITARY LEAVE

Military leave in excess of 15 consecutive days is considered to be a leave of absence and must be authorized by the Chief of Police and the City Council. Members entering the armed forces shall submit their application for indefinite military leave of absence to the Chief of Police.

Members going on military leave of the type described in the above paragraph shall forward, through channels, a written request for leave to the Chief of Police.

The request for leave shall be made at least 15 days prior to the effective date of the leave and must indicate the dates the member shall be absent from duty.

A copy of the military orders will accompany the request for leave. If military orders are not available at the time the request for leave is written, they shall be forwarded at the earliest opportunity.

Full-time employees who have reserve status in one of the military branches are entitled to leave with partial pay. An employee granted such leave will receive from the City sufficient pay to make up the difference between the employee's military pay and the employee's regular full-time pay. This benefit will not exceed a period of two weeks a year. This leave must be applied for and granted by the Chief of Police or City Manager.

SECTION 4 – LEAVES OF ABSENCE WITHOUT PAY

A written request for a leave of absence shall be submitted through channels to the Chief of Police who shall notify the member in writing whether the request is approved or disapproved.

Members who have been granted leave without pay or for medical reasons may be required by the Chief of Police to:

- Turn in all Department equipment issued to them to the Captain.
- Turn over their badge, commission card, and manuals issued by the Department to the Captain.
- Complete a separation check-off list and turn it over to the Captain in order to account for Department property so that the member may receive his or her paycheck.

A member who has been granted a leave of absence, and fails to return to work at the expiration of the leave, shall be considered as having resigned his or her position with the City, and the position shall be declared vacant except and unless the member, prior to the expiration of his or her leave of absence, has made written application for, and has been granted, an extension of the leave or has furnished evidence that he or she is unable to return to work by reason of sickness or physical disability.

SECTION 5 – EMERGENCY LEAVE – DEATH IN THE FAMILY/BEREAVEMENT

In the event of a death in a member's immediate family, the amount of allowed leave time will be subject to either Police Association contract or Exempt Employees Handbook.

The member's immediate family is defined as the member's spouse, children, mother, father, brother, sister, mother-in-law, father-in-law, grandparents, brother-in-law, or sister-in-law.

A written application for the leave must be submitted to the Captain as soon as possible; however, the member's Shift Sergeant may authorize the leave prior to official approval. The Shift Sergeant shall notify the Captain of his or her action.

In other cases, the procedures will be outlined in the agreement between the City of The Dalles and the bargaining unit.

In the event of the death of the member's spouse, child, mother, or father, the member may request, through his or her shift supervisor, a Department patrol escort for the funeral procession. It is essential that the Chief of Police be advised of such a request and the necessary details of the funeral as soon as possible. Conditions such as weather and duty priorities may prevent granting such a request in any case.

SECTION 6 – ADMINISTRATIVE LEAVE

In certain circumstances such as traumatic events, officer-involved shootings, or a review of conduct, an officer may be placed on administrative leave by the Chief or Captain. Administrative leave will normally be paid leave; when extenuating circumstances exist, the administrative leave may be without pay.

SECTION 7 – COURT NOTIFICATIONS OF LEAVE

All officers who are anticipating leave and will be unable to attend court proceedings due to vacation, school, military leave, or any other planned leave, shall submit a notification of leave to the District Attorney's Office, Municipal Court, and the City Attorney's Office via email. The notice shall be forwarded far enough in advance to allow the District Attorney's Office, City Attorney's Office, and Municipal Court to schedule any court proceedings around the anticipated leave.

Officers who have arrested a subject for Driving Under the Influence of Intoxicants (DUII) will, at the time of the report submission, fill out and submit the Implied Consent Officer Availability Schedule form if they have vacation, training, or will not be available for an Implied Consent Hearing in the 30 days following the arrest.

If a DUII arrest is conducted 30 days from the date of the anticipated leave, the Department of Motor Vehicles shall also be notified by attaching an "Implied Consent Form Officer Availability Schedule" to all implied consent forms provided to the DMV pursuant to an arrest for DUII.

CHAPTER 42 – OVERTIME

SECTION 1 – RESPONSIBILITIES OF OFFICERS

Officers of the Department shall make every effort to restrict their use of overtime to an absolute minimum.

If an officer becomes involved in a situation, other than Court, which requires the use of overtime, the officer shall inform the supervisor currently on duty of this requirement with an explanation as soon as is practical. If a supervisor is not on duty, the officer will notify his or her supervisor by means listed below.

Notification to the supervisor not on duty must first be made by phone call. If phone contact is not made, then a voicemail or text message will be sufficient. The reason for overtime will be explained to the supervisor regardless if the notification is made in person, by phone, by voicemail, or by text message.

Once a supervisor has been notified, a detailed explanation will be entered into the CAD which will contain at least the following: Case number, reason, and which supervisor was notified. The officer will remain logged into CAD until his or her overtime need is finished and then will log off. If an officer comes in on a day off to work approved overtime, the officer will log into CAD and list the overtime details as described above.

The exception to logging into CAD would be for detectives and SERT members. Detectives are not required to log their overtime into CAD; the Detective Sergeant will have the responsibility for tracking all overtime for detectives. Prior approval or notification for all detectives will be made pursuant to this policy. SERT members will submit all overtime slips directly to the SERT supervisor and are not required to log into CAD for training or callouts.

SECTION 2 – DETAILS AND TRAINING

1. SPECIAL DETAILS

If pre-approved overtime is offered for special duties such as shift coverage, parades, Neon Nights, or other pre-planned events, the number of hours approved will be posted with the overtime. Any time worked after the pre-arranged times needs to be pre-approved by a supervisor.

2. TRAINING

If an officer plans on filing for overtime pay during training hours outside of his or her normal work schedule, the officer will log onto CAD (by either calling Dispatch or doing a self-log on) when the training starts and will log off of CAD at the end of training.

SECTION 3 – COURT REQUIREMENTS

1. COURT

It is the responsibility of every Department member to appear in Court when requested by a proper authority.

If an officer is subpoenaed to a court proceeding, the officer will complete an overtime slip as specified below and will submit hours per The Dalles Police Association contract. No prior supervisor approval is needed for court/subpoena associated overtime.

2. COURT CONFIRMATION

Members of the Department will be responsible for confirming their Municipal, Circuit, or Grand Jury court appearance by calling the DA's Office, Municipal, or Circuit courts 24 hours prior to the member's appearance time. Failure to confirm a court appearance prior to reporting to Court will void any overtime request, should the appearance be unnecessary due to a set over, plea, or other reasons which could have been determined by calling the Municipal Court or DA's Office prior to reporting for Court.

3. WITNESS FEES

For any work-related court appearance where a member appears during working hours, or is to receive overtime pay, all witness fees paid to an officer by the courts or attorneys will be given to the Captain so the fees can be given to the City finance department.

SECTION 4 – OVERTIME FORMS

If any overtime is worked, an overtime form will also be completed. The form will include the officer's name, date, hours of overtime worked, which court (if applicable), case number associated with the overtime, reason for the overtime, and the supervisor who was notified of the overtime.

The overtime slips will be placed in the mailbox of the supervisor who was notified. That supervisor will then sign the overtime form for final approval. If overtime is due to a subpoena, the overtime form will be turned into the officer's current shift supervisor.

The officer is also required to list the overtime on his or her digital time sheet which will include the case number, a brief explanation of the reason for the overtime, and the supervisor notified.

All overtime forms shall be fully completed and submitted no later than the end of the officer's next regular work shift.

SECTION 5 – RESPONSIBILITIES OF MANAGEMENT PERSONNEL

All Department managers shall be responsible for the efficient utilization and control of overtime within their areas of responsibility. Supervisors and managers shall reschedule assignments and reporting times if necessary to avoid overtime in those situations which can be planned in advance.

When emergency situations do not allow for advance planning, supervisors and managers shall arrange for prompt release of members whose presence is not absolutely required.

When it is necessary to assign overtime work, every effort shall be made to apportion it equitably among those who are competent to perform the required tasks. No favoritism in the assignment of overtime shall be permitted.

CHAPTER 43 – PERSONNEL ADMINISTRATION

SECTION 1 – RACIAL, SEXUAL, & ETHNIC HARASSMENT ON THE JOB

Patterns of conduct that constitute racial, sexual, and ethnic harassment such as sexually motivated physical contact or racial and/or ethnic jokes are not tolerated. In addition to being clearly illegal, such practices tend to disrupt or destroy the close working relationships required by the nature of police work.

1. DEFINITIONS

Sexual harassment – includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of such conduct is used as a basis for employment decisions affecting such individuals.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.

Racial or ethnic harassment –

- Words, jokes, or other conduct having the intended or unintended effect of belittling, disparaging, or otherwise characterizing derogatorily the race, color, or national origin of another.
- The failure or refusal to accord to persons of another race, color, or national origin the same titles, address, and treatment denoting respect as a human being which are accorded to and received by persons of one's own race, color, or national origin.

2. REPORTING

Members who believe they have been a victim of racial, sexual, or ethnic harassment, or who observe such acts, but do not wish to file a formal complaint may consult with the member's Shift Sergeant or the Chief of Police.

Members who wish to initiate a formal complaint shall contact any supervisor, the Captain, or the Chief of Police via memorandum. The supervisor shall initiate an investigation as described below.

The memo shall contain information concerning time, date, persons present, etc., and a copy shall be forwarded to the Chief of Police.

The Department shall investigate all complaints.

Supervisors who become aware of instances of racial, sexual, or ethnic harassment shall immediately initiate an investigation into the circumstances.

The Chief of Police shall be notified via memorandum, detailing the specific allegations.

Supervisors who become aware of patterns of conduct that could result in an allegation of racial, sexual, or ethnic harassment shall take affirmative action to terminate such conduct through appropriate means such as individual counseling.

SECTION 2 – COMPLAINTS

1. INTER-AGENCY COMPLAINTS

If it is necessary to register a complaint against another law enforcement agency, City department, public or private organization, service agency utilized by this Department, or an individual member of one of these agencies, members shall not allow personal likes or dislikes to influence their complaints or grievances but shall base them on factual incidents.

Where a complaint is appropriate, members shall submit an incident report which will contain the following information:

- The name of the party and/or agency involved
- The date, time, and location of the occurrence
- The nature of the complaint, including all pertinent information relating to the incident
- The report itself shall not be given a case file number, but shall bear the case file number of any incident to which it is related.

The report shall be sent to the Captain through the normal chain of command.

2. OUTSIDE COMPLAINTS

Complaints against members of the City of The Dalles Police Department shall be immediately, thoroughly, and impartially investigated.

A complaint is an allegation of misconduct made by a person against a Department member which alleges:

- Violation of any law.
- Violation of any Department rule, directive or procedure.
- Misconduct by an officer.

Exceptions: A difference of opinion between a citizen and an officer over the legal sufficiency of an arrest or traffic citation shall not be subject to these procedures unless there is an allegation of misconduct.

The report shall be sent to the Captain through the normal chain of command without delay.

3. COMPLAINTS FROM OUTSIDE THE AGENCY

Each member of the Department who receives a complaint shall:

- Immediately and politely accept a complaint made by any person at any time.
- Inform the complainant that the matter shall be investigated.

- Request the complainant's name, address, phone number, as well as the name, address, and phone number of any witnesses. If the complainant refuses to provide this information, the complaint shall be accepted and the complainant listed as anonymous.
- Complete a memo in which all the information in respect to the complaint and the complainant is included. Attach any copies of any related materials such as a Department report or complainant's letter.

The report shall be sent to the Captain through the normal chain of command without delay, and the Captain shall notify the Chief and ensure that an appropriate investigation is initiated. In the event of an allegation of potentially criminal conduct, the complaint shall be vetted for possible criminal investigation prior to any policy or administrative review.

4. USE OF FORCE REPORT COMPLAINTS

When the Shift Sergeant, Captain, or Chief of Police believes that the actions of a member, as described in the Use of Force Report, may have been inappropriate or unjustified, the member shall be notified in writing by the Captain.

The Captain shall prepare notification to the member that the use of force may have been inappropriate or unjustified and that an investigation will be made of the incident. The notification to the member shall describe the member's action(s), as reported in the Use of Force Report, which is believed to be inappropriate or unjustified.

5. DEPARTMENT MEMBER INITIATED COMPLAINTS

Each member of the Department who has reason to believe that another member of this Department or another law enforcement agency has acted in a manner contrary to the public interest or the proper operation of the Department by violating a law, rule, directive or procedure, including, but not limited to racial, ethnic, or sexual harassment on the job, shall follow Policy.

Nothing in these procedures shall prevent a supervisor from properly admonishing a subordinate when no formal disciplinary action is required.

6. PROFILING PROHIBITED: ACCEPTING PROFILING AND BIAS COMPLAINTS

The purpose of this Policy is to ensure that all stops, detentions, and searches of persons by this agency are lawful and do not violate a person's rights on the basis of race, color, sex, or national origin. Biased-based stops, detentions, searches, or arrests are strictly prohibited. This agency and its members will operate in compliance with ORS 131.920.

- This Policy ensures that any member of the agency will accept a complaint from any person who reports an allegation of violation of this Policy, and that the complaint will be forwarded to a supervisor who will ensure prompt and thorough investigation.
- It is the Policy of this agency that no person shall be subjected to any stop, detention, or search when such a stop, detention, or search is based solely and impermissibly on the person's race, color, sex, or national origin, or upon the member's perception of any person's race, color, sex, or national origin.

- Every member who has observed or has reason to suspect a violation of this Policy has occurred will immediately report the conduct to a supervisor.
- No member shall conceal information related to the violation, or alleged violation, of this Policy nor shall any member of any rank impede, influence, or interfere with the reporting of any violation or alleged violation of this Policy.
- It is also the Policy of this agency that every member will promptly and courteously accept a complaint or allegation of violation of this Policy from any person, whether the reporting person was involved or was a third party including those complaints that originate from the Law Enforcement Contacts Committee. Such a complaint will be accepted whether made in person, by telephone, by letter, or electronic communication. The member accepting the complaint will advise a supervisor of the complaint immediately, and will submit the complaint in written form on letterhead as soon as possible (always prior to going off duty).
- The supervisor will ensure the complaint is promptly and thoroughly investigated in compliance with disciplinary investigation Policy. If the allegation alleges criminal conduct by a member, the supervisor may elect to place the accused member on administrative leave, and may elect to have an outside agency investigate the criminal elements of the complaint prior to proceeding with the internal/policy investigation. The internal investigation may be delayed only to the extent necessary to avoid jeopardizing a criminal investigation or prosecution.
- The supervisor will ensure that the Law Enforcement Contacts Policy and Data Review Committee receives a copy of every complaint involving allegation of violation of profiling at the time of the complaint.
- The Captain or Chief shall ensure that an annual profiling complaint report is submitted to the law Enforcement Coordinating Committee (LECC) each year before January 31st in the format required from the LECC.
- The supervisor will also ensure that the complainant receives a response and is notified of the outcome of the investigation as soon as is reasonably possible after the conclusion of the investigation. The response must include a statement of the final disposition of the complaint.
- All members will receive annual training on bias-based policing, including a review of this Policy.

7. STOP DATA (Statistical Transparency Of Policing)

When an officer conducts a self-initiated stop of a person including, but not limited to, traffic stops and pedestrian stops, the officer shall enter required STOP data via CAD portal. Required information is:

- Date and time
- Location
- Disposition
- Subject perceived prior to stop (yes or no)
- Perceived age

- Sex
- Race
- Physical arrest (yes or no)
- Statutory reason for stop
- Search conducted (yes or no)
- Search type
- Search findings

SECTION 3 – COMPLAINT PROCEDURE

To ensure the proper investigation of complaints against members of the Police Department, as soon as a member has received or initiated a complaint, the member shall complete a memo and shall deliver the memo to the Shift Sergeant. Members who do not want to present their complaint to their supervisor may take their complaint directly to the Captain or Chief of Police.

The Captain and/or Chief of Police shall, upon receipt of a complaint, review it for applicability to a violation of law or Department rules, directives, procedures, implied failure to perform duties, or the use of poor judgment. If the allegation does not indicate a violation of one of the above, a letter stating so will be sent to the complainant. If in the complaint an allegation is made that, if true, would be violation of the law, department rules, directives, procedures, implied failure to perform duties, or the use of poor judgment, the Captain or Chief of Police will initiate and/or assign an investigation.

Exception: In the event that the Department member who is first contacted by a complainant is performing an essential function which cannot be interrupted, he or she may refer the complainant to another member if a member is immediately available. If another member is not available, the member shall ask the complainant to wait until the essential function has been completed by the member.

If a complaint against a member of the Police Department alleges serious misconduct, the member who receives the complaint shall immediately inform his or her Shift Sergeant of the complaint. If the Shift Sergeant cannot be contacted, then the Captain or Chief of Police shall be contacted.

1. COMPLAINT INVESTIGATION

When an investigation is initiated, the Chief or Captain will designate an Investigating Sergeant. The Investigating Sergeant will conduct the investigation into the complaint and write a report. The completed report will then be forwarded to the Captain. The Sergeant will review the report and facts with the Captain, who will decide what actions are to be taken (verbal reprimand, written reprimand, etc.).

2. INTERVIEW OF ACCUSED MEMBER

Prior to being interviewed, a member under investigation shall be given at least 24 hours written notice of the nature of the complaint and alleged Policy violations.

During the investigation of a complaint, interviews of accused members shall be conducted when the member is on duty, unless the seriousness of the investigation dictates otherwise.

The accused member shall be given the opportunity to make a statement relating to the allegations. Before the accused member is questioned about the incident, he or she must be given reasonable advance notice of the interview.

Such notification shall be given in writing and must be sufficiently specific so the accused member knows what the subject to be discussed will be.

If the disciplinary action for a member is going to be verbal counseling, no advance notice is required.

While the Investigating Sergeant has no obligation to inform the accused member of his or her right to a bargaining agent representative during questioning, the accused member shall be afforded a bargaining agent representative during the investigative interview when such a request is made. If a bargaining agent representative is to be present, a second supervisory person may also be in attendance.

When interviewing an accused member, the presence of a bargaining agent representative is not absolute, but exists only if such representation is requested by the accused member. The interview may not be unduly delayed awaiting a particular bargaining agent representative when other bargaining agent representatives are available.

During the questioning of the accused member by the supervisor/employer, the bargaining agent representative may participate only to the extent of seeking clarification of questions.

After the supervisor/employer has completed the questioning of the accused member, the representative may ask the accused member questions designed to clarify previous answers or to elicit further relevant information.

The bargaining agent representative may describe relevant practices, prior situations, or mitigating factors that could have some bearing on the supervisor/employer's deliberations concerning discipline.

If the bargaining agent representative disrupts or attempts to interfere with the investigative process, the employee should be advised that he or she is responsible for the bargaining agent representative's conduct and that the interview shall be terminated. Should the supervisor/employer terminate the interview for this reason, it shall be viewed as a refusal to cooperate on the part of the employee. The supervisor/employer has the right to ask direct questions and to insist upon direct answers.

The employee and the bargaining agent representative should be permitted to confer briefly before questioning.

3. REPORTING ON INVESTIGATIONS - FINDINGS

An Internal Investigation file shall contain all of the reports directly related to the complaint. It shall also contain all investigative reports or memos, including all notes, recordings, photos, and other evidence pertinent to the investigation.

The Investigating Sergeant shall, upon completion of the fact-finding process, prepare an investigative report with the investigation file. As outlined above, the report will be forwarded to the Captain.

Based on the facts included in the investigative report, the Captain shall indicate what laws, Department rules, procedures, or directives were alleged to have been violated and make one of the following findings:

- Unfounded – The allegation is false and not factual.

- Exonerated – The alleged incident occurred, but was lawful and proper.
- Not Sustained – There is insufficient evidence to prove or disprove the allegation.
- Sustained – The allegation is supported by sufficient evidence to substantiate the allegation and the incident constituted misconduct, poor judgment, and violation of Department rules, procedure, regulations, or a violation of law or a breach of implied employment duties.

4. DISPOSITION OF UNFOUNDED, EXONERATED, OR NOT SUSTAINED INVESTIGATIONS

If the complaint's findings are unfounded, exonerated, or not sustained, no record of the investigation shall be placed in the member's personnel file. Only in a sustained finding, when a disciplinary action of a written reprimand or greater has been given to a member, shall a copy of the final disposition be placed in the accused member's personnel file.

Notification will be given to the accused member of those complaints determined to be unfounded, exonerated, or not sustained by the Captain. Notification of the complaint disposition will be prepared by the Captain. The complainant will be notified of the outcome of the investigation. Notification should be in writing or documented if verbal notification was made.

5. DISPOSITION OF SUSTAINED COMPLAINTS

If any necessary action has been determined, the Captain will write the conclusion letter to the offending officer. The letter will be addressed to the offending officer and will have the title “written reprimand, verbal reprimand, etc.” at the top of the letter. A Sergeant and the Captain will present the letter to the offending officer.

The letter will be drafted in the following format:



CITY of THE DALLES
401 COURT STREET
THE DALLES, OR 97058
(541) 296-2613
FAX (541) 298-2747

POLICE DEPARTMENT

Verbal Reprimand

Date:

To:

From:

Subject:

Summary

Facts

Conclusion

When a complaint is found to be sustained and the Captain is contemplating discipline of suspension or greater, the Captain shall notify the accused member in writing that disciplinary action is being considered (including the highest level of discipline being considered).

The notice shall contain the charges with a brief outline of the facts that support the finding.

The notice shall contain an offer to meet with the employee to discuss the charges and to allow the employee to discuss any extenuating or mitigating circumstances that he or she believes may exist.

The accused member is entitled to bargaining agent representation during this process and is bound by the same rules as the investigative interview.

At the conclusion of the meeting, the Captain may inform the accused member that further review and/or further investigation will take place based on the accused member's statements.

If new facts or allegations which warrant further investigation are introduced during the predetermination interview, further investigation and modification of the charges and findings, if indicated, should be undertaken. If the findings and/or charges are modified, a revised notice of charges with a second opportunity for a predetermination interview will be prepared.

6. ANNUAL ANALYSIS/REPORT

The Captain or Administrative Sergeant will annually compile a report analyzing and summarizing complaints to determine any trends, and will decide if any training, Policy, or personnel issues need to be addressed.

SECTION 4 – DISCIPLINE

If the Captain determines that discipline is warranted and discipline of suspension or greater is being considered, the Captain shall notify the accused member in writing outlining the charges and facts which support the charges and the discipline to be administered.

Exception: If termination of employment is being considered, the Chief of Police will make the final decision based on the recommendation of the Captain.

The Captain shall meet with the accused member at a mutually agreed-upon time and date for the purpose of administering disciplinary action.

If the final decision is to discharge the employee, the employee shall be relieved of his or her keys, ID card, badge, and firearm and be given until 5:00 pm the following day to turn in all Department-issued property.

The employee will be verbally advised that he or she has no right to carry a concealed weapon without a proper permit and to do so would be in violation of law.

The accused member, as in past interviews, will be allowed bargaining agent representation under the prior stated rules.

Disciplinary action taken against a member of the Department may be appealed by the terms of the collective bargaining agreement.

Any member, regular or probationary, who resigns or retires while discipline is pending, or who is under investigation, shall be reported to DPSST for their consideration.

Probationary employees will be treated the same as regular employees but shall have no redress against termination for cause or failed probationary training.

1. DEPARTMENTAL DISCIPLINE

The disciplinary measures in this section must be based on written charges filed by a supervisor and approved by the Chief of Police.

Disciplinary action shall be only for just cause. It will be subject to review through the grievance procedure.

No dismissal, demotion, or other punitive measure shall be taken against an officer unless he or she is notified of the action and the reason(s) prior to the effective date of such action.

Types of discipline:

- **Verbal Counsel** – Corrective action, short of verbal reprimand. This includes verbal warnings by supervisors and commanding officers. Verbal warnings will be documented by the initiating supervisor, but are not placed in the accused member's personnel file.
- **Verbal Reprimand** – Verbal reprimand is documented, and a copy of this documentation is placed in the accused member's working file and IS NOT placed in the personnel file.
- **Written Reprimand** – Written reprimands are those issued officially by the supervisor or Captain and will be placed in the member's personnel file.
- **Suspension** – or in lieu thereof, reduction of pay by one step. Members may be suspended without pay for a reasonable period, not exceeding thirty (30) days, only by the Captain.
- **Demotion** – A demotion will be directed by the Chief of Police and will be to the next rank downward.
- **Dismissal** – Dismissal will be termination of the member from service within the Department. All members shall be entitled to a pre-determination hearing before dismissal. The Chief of Police will be the ultimate deciding factor when there is a dismissal of a member.

Members who are terminated as a result of not successfully completing the probationary period have no right of appeal through grievance procedures.

NOTE: All reprimands, written or verbal, shall be done in a manner that will not embarrass the member before other members or the public.

2. APPEAL RIGHTS FROM DEMOTION OR DISCHARGE

Discharge and demotion of permanent members of the Department may be made only after a hearing before the Chief of Police. Any member so discharged or demoted may, within (10) days thereafter, make written demand upon the Chief of Police for an investigation to determine whether or not such discharge or demotion was not made in good faith to improve the public service. In such investigations, the burden of proof that the discharge or demotion was not in good faith to improve the public service shall rest with the member.

3. SUSPENDED MEMBERS

A suspended member shall surrender badges, commission card, issued weapon, and Department keys to his or her Shift Sergeant for the period of the suspension.

The member under suspension shall not wear the Department uniform, or any part thereof.

Members suspended from duty shall not engage in any official action under the authority granted by this Department.

A suspended member will not enter non-public areas of the Police Department during the time of suspension without permission of the Chief or Captain.

Suspended members who have been subpoenaed to testify on a Department case shall comply with the subpoena as a citizen and wear court appropriate attire. A copy of their report may be obtained through the Prosecutor's office.

4. ADMINISTRATIVE ACTION OR LEAVE

Administrative leave is not discipline; it allows time for any internal or external investigations to be conducted when necessary.

Supervisory members are authorized to place an employee on administrative leave when certain critical incidents have occurred or violations of Police rules, standards, policies, duties, or law are alleged, at the time they are alleged, by relieving a subordinate member from duty for the current shift. The supervisory member who invokes the administrative leave shall:

- Inform the member that the member is removed from duty for the shift and the reason thereof, and immediately remove the member from duty.
- Collect the member's firearm, badge, department identification, and keys.
- Inform the member on summary administrative leave that the member shall be paid for the shift in which the member was relieved.
- Immediately notify the Captain of the circumstances of the relief from duty.
- Inform the member that he or she is not to be in the non-public areas of the Department without supervisor approval.
- Initiate a complaint against the member as specified.

When an officer is involved in a critical incident such as an officer-involved shooting or other traumatic incident and administrative leave is directed, some or all of the above stipulations may be lifted on a case by case basis.

The following is a nonexclusive list of the circumstances where administrative action or leave could be considered:

- Tardiness in reporting for duty
- Failure to comply with uniform and equipment regulations
- Being intoxicated or having alcohol on one's breath
- Inattention to official business
- Insubordination
- Serious abuse of Police Department equipment
- Workplace violence
- Criminal conduct
- Untruthfulness

When a member is on summary administrative leave, the member is considered to be on full pay status and shall obey the specific orders of the supervisor imposing the summary administrative leave authority.

Failure of a member to comply with any legal order may result in the member being charged with violation of the appropriate work rules regarding disobeying an order or insubordination.

When the supervisor who relieves a member by summary administrative action or leave believes that the Police Department's or the public interest or safety requires continued removal of the member from duty until the matter is resolved, the supervisor shall advise the Chief of Police in writing who may authorize a continuance.

Any member on summary administrative leave shall, prior to the next regular duty shift, contact the Captain to determine work status.

CHAPTER 44 – DEPARTMENT AWARDS

SECTION 1 – AWARDS

Any member of the Department can recommend another member or citizen for an appropriate award. The recommendation shall be a written communication and directed to the Chief of Police. All recommendations shall be accompanied by supporting documents and/or reports.

Upon approval by the Chief of Police, the Chief shall forward a letter of notification to the recipient that the award has been approved.

1. AWARD OF VALOR

The Award of Valor may be awarded to members who, while serving in an official capacity, distinguish themselves conspicuously by the performance of a heroic act in excess of normal demands of police service. The following guidelines apply:

- The situation was extremely hazardous.
- The act was not foolhardy.
- The member did not use poor judgment, thus creating the necessity for his or her acts.

The Award of Valor shall consist of a Departmental certificate bearing the member's name, date, and title of the award.

An award bar of blue, white, and red, trimmed in gold, shall accompany the award.

A letter describing the circumstances of the courageous action shall be read and delivered to the member at the time of presentation.

2. DISTINGUISHED SERVICE AWARD

The Distinguished Service Award may be awarded to members who distinguish themselves and bring credit to the Department by highly creditable or unusual acts in the performance of police duty. Such acts shall significantly rise above the expected norm of police or community service.

The Distinguished Service Award shall consist of a Departmental certificate bearing the member's name, date, and title of the award.

An award bar of white and blue, trimmed in gold, shall accompany the award.

A letter describing the circumstances of the meritorious deed shall be read and delivered to the member at the time of presentation.

3. LIFE SAVING AWARD

A Life Saving Award may be awarded to any member of the Department who, while serving in an official capacity, directly performs an active, distinct, and successful lifesaving action, saving the life of another human being.

An award bar of red and white, trimmed in gold, shall accompany the award.

A letter describing the circumstances of the life saving deed shall be read and delivered to the member at the time of presentation.

4. LETTER OF COMMENDATION

A letter signed by the Chief of Police may be presented to a member to recognize exceptional performance of the member's duties.

The letter shall be read and delivered to the member at the time of presentation.

5. LETTER OF APPRECIATION

A letter signed by the Chief of Police may be presented to a member in appreciation for the performance of duty or conduct which brings credit upon the Department.

The letter shall be read and delivered to the member at the time of presentation.

6. OUTSIDE AWARDS

The Chief of Police has sole discretion in deciding if a member's performance qualifies for recognition in the form of an award from an outside agency.

The Chief of Police shall make any such nomination and shall direct when and if an award from an outside agency can be worn with the uniform.

CHAPTER 45 – SOCIAL MEDIA POLICY

SECTION 1 – DEFINITION

Social Media – Websites and other forms of internet communication used to provide or share information, ideas, messages, photographs, videos, and other content. Examples of social media sites include, but are not limited to, Facebook, Twitter, Instagram, YouTube, Snapchat, TikTok, Reddit, Tumblr, and LinkedIn.

SECTION 2 – POLICY

- The Department recognizes the increasing use of social media both personally and in the workplace. This Policy addresses the personal use of social media by Department employees, whether that use occurs on personal time or during work hours. It does not address the official use of social media by employees for police business while on or off duty. Official use of social media for community outreach, crime prevention, problem solving, and general information exchanges will be governed by a separate Policy.
- Employees have a right to engage in personal expression as private citizens. However, the Department may regulate such private expression when the employees' private expression on social media unduly disrupts Department operations or violates other Department policies such as the prohibition against disclosing sensitive, confidential, or protected information. Personal use of social media may affect an employee's official position with the Police Department and may impact the effective operations of the Department.
- Social media communications constituting protected union-related activities are not restricted by this Policy.

SECTION 3 – PROCEDURE

When using personal social media, employees may express themselves as private citizens, but shall not:

- Post or use any image of Police Department badges, identification, name tags or plates, logos, patches, marked vehicles, marked equipment or other marked materials without the express prior permission of the Chief of Police or a designee.
 - Employees may post or use photographs of themselves taken in uniform while:
 - Appearing for official ceremonies or recognitions, promotions, awards, or commendations; or
 - Taking part in Department sponsored or approved events (i.e., charity events, outreach, toy drives, etc.).
 - This policy does not prohibit employees from reposting information, photographs, videos, or other materials that have been previously published or are otherwise available in the public domain (i.e., available to the public as a whole).
 - A social media platform's automatic assignment of such an image to an employee will not alone violate this policy.

- Post, publish, transmit, share, or disseminate any documents, photographs, videos, or information they have access to solely as a result of their employment with the Department, unless such publication is in the public interest as determined solely by the Chief of Police after consulting with the City Attorney. This prohibition includes information that is confidential or investigative in nature (e.g., crime or accident scene images, Department training materials, etc.).
- Post, publish, transmit, share, or disseminate any comments or information negatively impacting or unduly disrupting the operations of the Department or unduly criticizing the official decisions or actions of the Department, and causing actual harm to Department operations as a result. The balancing test for protected free speech requires an analysis of whether actual harm to Department operations occurs as the result of an employee's use of speech.
- Post, publish, transmit, share, or otherwise disseminate information that is confidential or is otherwise restricted from disclosure by law or Department policy pertaining to Department-related tactics or mission-specific strategies and objectives. This includes any information obtained by the employee solely because of the employee's position with the Department.
- Post, publish, transmit, share, or disseminate any comments or information promoting or advocating criminal activity or violations of City or Department policies or Executive Orders of the Governor of the State of Oregon.
- Post, publish, transmit, share, or disseminate any documents, comments, or information that are confidential or otherwise restricted from disclosure by law or Department policy regarding community employee complaints about the Department or any of its employees, administrative investigations, criminal investigations, criminal prosecutions, or legal claims or court cases involving the Department or any Department employees. This includes any information obtained by the employee solely because of the employee's position with the Department. Employees may post, publish, transmit, share, or disseminate such information already available in the public domain.
- Post, publish, transmit, share, comment in support of, or disseminate any posting that is harassing or includes any threat of actual violence. Employees should be aware the Department may prohibit inflammatory posts directed to inciting or producing immediate lawless action and are likely to incite or produce such action.
- Post, publish, transmit, share, comment in support of, or disseminate any posting that ridicules, disparages, or negatively expresses bias or disrespect towards any race, religion, sex, gender, marital or familial status, sexual orientation, nationality, age, disability, or any other legally protected classification under state and federal law.
 - Employees should be aware such comments made outside of the workplace or outside of a work-related setting may still be prohibited.
- Post, publish, transmit or disseminate any statements, photographs, endorsements, information, or materials representing or purporting to represent the official views or position of the Police Department or the City of The Dalles without the express prior approval of the Chief of Police or a designee.
- Employees are permitted to access social media accounts on Department-issued computers and cell phones while on duty for the purpose of executing a specific work function.

- When using social media in an official capacity on an authorized Department-issued computer or cell phone, employees shall not accept any social media platform's invitation to determine or track the location of the device or the user.
- Employees are prohibited from using Department-issued cell phones to access personal social media accounts.
- Employees shall not use any Police Department or City of The Dalles email address to register for any personal social media account.

CHAPTER 46 – POSTSCRIPT

This Manual is adopted in full on the date depicted on the cover page. This edition supersedes all prior versions and is in place until it is modified, revised or replaced. If any chapter, section, subsection or portion thereof is found to be unlawful the remainder of the Policy Manual remains in full effect.

I declare and affirm that these are the official Policies of the City of The Dalles Police Department as established on the date of this document.

X

Tom M. Worthy
Chief of Police

Tom M. Worthy 4-12-2023
29246