

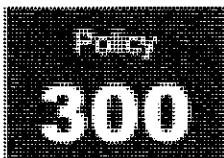
USE OF DEADLY FORCE POLICY

of the

St. Helens Police Department

COLUMBIA COUNTY DEADLY PHYSICAL FORCE PLAN

ATTACHMENT #1



Use of Force

300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.11 PHILOSOPHY

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and when warranted, may use force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, the limitations of their authority. This is especially true with respect to officers overcoming resistance while engaged in the performance of their duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

300.2 POLICY

It is the policy of this department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

300.21 USE OF FORCE TO EFFECT AN ARREST OR PREVENT AN ESCAPE

Pursuant to Oregon Revised Statutes 161.235, and, except as provided in Oregon Revised Statutes 161.239, a peace officer is justified in using physical force upon another person only when and to the extent that the peace officer reasonably believes it necessary:

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

St. Helens Police Department

Use of Force

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

It is the policy of this department that use of force by its members be:

- (a) Justified under applicable state law;
- (b) Consistent with the specific policies which follows;
- (c) Professionally accomplished according to approved training and with approved equipment;
- (d) In all cases employed to accomplish a legitimate tactical objective;
- (e) Limited to that degree and duration which the officers reasonably believes necessary to accomplish that objective;
- (f) Applied by the officer and reviewed by the department based upon those facts which are reasonably believed by the officer at the time, applying legal requirements, department policy, and approved training to those facts. Facts later discovered, but unknown to the officer at the time, can neither justify nor condemn an officer's decision to use force.

300.22 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time)
- (b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects)
- (c) Influence of drugs/alcohol (mental capacity)
- (d) Proximity of weapons
- (e) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances)
- (f) Seriousness of the suspected offense or reason for contact with the individual
- (g) Training and experience of the officer
- (h) Potential for injury to citizens, officers and suspects
- (i) Risk of escape
- (j) Other exigent circumstances

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

300.23 NON-DEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and intended under the circumstances to create a substantial likelihood of death or very serious injury shall be

St. Helens Police Department

Use of Force

considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to leg restraints, control devices and TASERs described in Policy Manual §§ 306, 308 and 309 respectively.

300.24 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received departmentally approved training and only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstance including, but not limited to:

- (a) The potential for injury to the officer(s) or others if the technique is not used
- (b) The potential risk of serious injury to the individual being controlled
- (c) The degree to which the pain compliance technique may be controlled in application according to the level of resistance
- (d) The nature of the offense involved
- (e) The level of resistance of the individual(s) involved
- (f) The need for prompt resolution of the situation
- (g) If time permits (e.g., passive demonstrators), other reasonable alternatives

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.25 CAROTID RESTRAINT

The proper application of the carotid restraint hold by a trained officer may be effective in quickly restraining a violent individual however due to the potential for injury, the carotid restraint hold may only be applied under the following conditions:

- (a) The officer shall have received departmentally approved training in the use and application of the carotid restraint.
- (b) The carotid restraint may only be used when the officer reasonably believes that such a hold appears necessary to prevent serious injury or death to an officer or other person(s).
- (c) Any individual who has been rendered unconscious by the use of the carotid restraint shall be promptly examined by paramedics or other qualified medical personnel.
- (d) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid restraint and whether the subject lost consciousness as a result.
- (e) Any officer applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such hold.
- (f) The use or attempted use of the carotid restraint shall be thoroughly documented by the officer in any related reports.

300.3 DEADLY FORCE APPLICATIONS

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force

St. Helens Police Department

Use of Force

applied will create a substantial likelihood of causing death or serious injury under the circumstances.

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction, or threatened infliction of serious bodily injury or death, and, the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, and when feasible, a verbal warning should precede the use of deadly force.

300.4 REPORTING THE USE OF FORCE

Any use of physical force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in departmental policy and/or law.

300.41 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practical following the application of physical force, under any of the following circumstances:

- (a) The application of force appears to have caused physical injury
- (b) The individual has expressed a complaint of pain
- (c) Any application of a control device
- (d) The individual has been rendered unconscious

300.42 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of significant pain, or who has been rendered unconscious. If any individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

300.5 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officer(s)
- (b) Ensure that any injured parties are examined and treated

St. Helens Police Department

Use of Force

- (c) Ensure that the subject(s) upon whom force was applied is/are interviewed separately
- (d) Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas
- (e) Identify any witnesses not already included in related reports
- (f) Review and approve all related reports

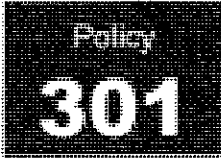
In the event that the supervisor believes that the incident may give rise to potential civil litigation, a memorandum to that affect should be completed and routed to appropriate channels.

Should the supervisor determine that any application of force was not within policy, a separate internal administrative investigation shall be initiated.

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

300.6 ANNUAL REVIEW

Each January the Patrol Lieutenant will ensure that an annual review of all Use of Force Reports for the previous calendar year is conducted. The analysis will focus on the effectiveness and trends in the use of force that might suggest training or equipment needs, or policy modification. Specific detail including items such as officer names, case numbers, location of occurrence are not needed for this purpose and therefore will not be part of this process.



Use of Force Review

301.1 PURPOSE AND SCOPE

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

301.2 INCIDENT REVIEW

The St. Helens Police Department is charged with the important responsibility of objectively evaluating the use of force. It is the policy of this department to review all instances where an officer employs an amount of force capable of causing injury to a person.

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

301.21 INVOLVED OFFICERS

Officers involved in the use of force shall report the use force in the narrative section of a written report when:

- (a) An officer discharges a firearm in the line of duty for other than training purposes;
- (b) Death or injury results or is alleged to have resulted to any person;
- (c) Medical treatment is required or requested;
- (d) When a non-lethal weapon is used on a person; or
- (e) The force used relates to a criminal charge, irrespective of whether or not the incident results in an arrest.
- (f) Reporting of the use of force as otherwise required in the field reporting manual.

The incident narrative shall describe the force used, and the narrative shall articulate the facts observed by the officer and beliefs held by the officer that lead the officer to decide that the level of force used was justified. Weapons used, injuries, medical care received, and details of the incident shall be reported in detail, and if possible, a copy of the medical records shall be attached. Witnesses shall be listed also.

The written report should be submitted by the end of the officer's shift. The report copies will be routed by records as specified in the field reporting manual.

301.22 INCIDENT REVIEW PROTOCOL

Determinations will be made at each level of the chain of command whether or not all Departmental guidelines were met. Each level in the chain of command will recommend actions in regard to those officers involved in the use of force incident, if appropriate.

All instances of use of force that meet the criteria for inclusion on a department USE OF FORCE report form will be submitted, through channels, for review by training officers and administration. Procedures for this review, as set forth in the Field Reporting Manual, Use Of Force section, will be followed.

The Chief of Police, based on the use of force review, may convene a Use of Force Review Board to examine the use of force incident and may take appropriate action. The use of force review process will be completed as expeditiously as possible.

USE OF DEADLY FORCE POLICY

of the

Scappoose Police Department

COLUMBIA COUNTY
DEADLY
PHYSICAL
FORCE
PLAN

ATTACHMENT #2

Use of Force

300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.11 PHILOSOPHY

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and when warranted, may use force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, the limitations of their authority. This is especially true with respect to officers overcoming resistance while engaged in the performance of their duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

300.2 POLICY

It is the policy of this department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

300.21 USE OF FORCE TO EFFECT AN ARREST OR PREVENT AN ESCAPE

Pursuant to Oregon Revised Statutes 161.235, and, except as provided in Oregon Revised Statutes 161.239, a peace officer is justified in using physical force upon another person only when and to the extent that the peace officer reasonably believes it necessary:

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

Scappoose Police Department

Use of Force

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

It is the policy of this department that use of force by its members be:

- (a) Justified under applicable state law;
- (b) Consistent with the specific policies which follows;
- (c) Professionally accomplished according to approved training and with approved equipment;
- (d) In all cases employed to accomplish a legitimate tactical objective;
- (e) Limited to that degree and duration which the officers reasonably believes necessary to accomplish that objective;
- (f) Applied by the officer and reviewed by the department based upon those facts which are reasonably believed by the officer at the time, applying legal requirements, department policy, and approved training to those facts. Facts later discovered, but unknown to the officer at the time, can neither justify nor condemn an officer's decision to use force.

An authorized official of a jail, prison, or correctional facility may use physical force when and to the extent that the official reasonable believes it necessary to maintain order and discipline, or as is authorized by law (Oregon Revised Statutes 161.205(2)).

300.22 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time)
- (b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects)
- (c) Influence of drugs/alcohol (mental capacity)
- (d) Proximity of weapons
- (e) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances)
- (f) Seriousness of the suspected offense or reason for contact with the individual
- (g) Training and experience of the officer
- (h) Potential for injury to citizens, officers and suspects
- (i) Risk of escape
- (j) Other exigent circumstances

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

Scappoose Police Department

Use of Force

300.23 NON-DEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and intended under the circumstances to create a substantial likelihood of death or very serious injury shall be considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to leg restraints, control devices and TASERs described in Policy Manual §§ 306, 308 and 309 respectively.

300.24 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received departmentally approved training and only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstance including, but not limited to:

- (a) The potential for injury to the officer(s) or others if the technique is not used
- (b) The potential risk of serious injury to the individual being controlled
- (c) The degree to which the pain compliance technique may be controlled in application according to the level of resistance
- (d) The nature of the offense involved
- (e) The level of resistance of the individual(s) involved
- (f) The need for prompt resolution of the situation
- (g) If time permits (e.g., passive demonstrators), other reasonable alternatives

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3 DEADLY FORCE APPLICATIONS

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or serious injury under the circumstances.

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction, or threatened infliction of serious bodily injury or death, and, the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, and when feasible, a verbal warning should precede the use of deadly force.

300.4 REPORTING THE USE OF FORCE

Any use of physical force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report depending on the nature of the incident.

Scappoose Police Department

Use of Force

The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in departmental policy and/or law.

300.41 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practical following the application of physical force, under any of the following circumstances:

- (a) The application of force appears to have caused physical injury
- (b) The individual has expressed a complaint of pain
- (c) Any application of a control device
- (d) The individual has been rendered unconscious

300.42 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of significant pain, or who has been rendered unconscious. If any individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

300.5 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officer(s)
- (b) Ensure that any injured parties are examined and treated
- (c) Separately interview the subject(s) upon whom force was applied
- (d) Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas
- (e) Identify any witnesses not already included in related reports
- (f) Review and approve all related reports

In the event that the supervisor believes that the incident may give rise to potential civil litigation, a separate potential claim form should be completed and routed to appropriate channels.

Should the supervisor determine that any application of force was not within policy, a separate internal administrative investigation shall be initiated.

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

Scappoose Police Department

Use of Force

300.6 USE OF FORCE REVIEW BOARD

The Chief of Police may assemble and convene a Use of Force Review Board to investigate the circumstances surrounding any use of force incident and will designate a member of the Board to serve as chairperson. This board will follow the procedures as outlined in § 302.24.

300.7 ANNUAL REVIEW

Each January the Patrol Division Commander will ensure that an annual review of all Use of Force Reports for the previous calendar year is conducted. The analysis will focus on the effectiveness and trends in the use of force that might suggest training or equipment needs, or policy modification. Specific detail including items such as officer names, case numbers, location of occurrence are not needed for this purpose and therefore will not be part of this process.

USE OF DEADLY FORCE POLICY

of the

Columbia City Police Department

COLUMBIA COUNTY
DEADLY
PHYSICAL
FORCE
PLAN

ATTACHMENT #3

6.000 USE OF FORCE

6.001 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied to any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and safe manner.

6.002 PHILOSOPHY

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and, when warranted, may use force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, the limitations of their authority. This is especially true with respect to officers overcoming resistance while engaged in the performance of their duties.

This department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

6.003 POLICY

It is the policy of this department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of "reasonableness" must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving-about the amount of force that is necessary in a particular situation.

6.004 OREGON REVISED STATUTES

ORS provides direction as to when it is legal to use Physical or Deadly Physical Force. This direction can be found in ORS 161.235 and 161.239 and is based on reasonableness.

6.005 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

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

2. Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).
3. Influence of drugs/alcohol (mental capacity).
4. Proximity of weapons.
5. Availability of other options (what resources are reasonably available to the officer under the circumstances).
6. Seriousness of the suspected offense or reason for contact with the individual.
7. Training and experience of the officer.
8. Potential for injury to citizens, officers and suspects.
9. Risk of escape.
10. Other exigent circumstance.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

6.006 NON-DEADLY FORCE APPLICATIONS

Any application of force which is not reasonably anticipated to result in death shall be considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

6.007 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

1. An officer may use deadly force to protect them or others from what they reasonably believe would be an immediate threat of death or serious bodily injury.

2. An officer may use deadly force to affect the arrest or prevent the escape of a suspected felon where the officer has probable cause to believe that the suspect poses a significant threat of death or serious bodily injury to the officer or others. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

6.008 REPORTING THE USE OF FORCE

Any use of physical or deadly force by a member of this department shall be documented completely and accurately in an appropriate report depending on the nature of the incident.

6.009 NOTIFICATION TO SUPERVISOR

Supervisory notification shall be made as soon as practical following the application of physical force, under any of the following circumstances:

1. Where the application of force appears to have caused physical injury.
2. The individual has expressed a complaint of pain.
3. Any application of a less lethal control device.
4. Where the individual has been rendered unconscious.

6.010 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of pain, or who has been rendered unconscious.

7.000 POLICE PURSUIT

7.001 POLICY

Columbia City Police Officers may engage in pursuit of vehicles and/or persons as allowed by Oregon State rules and laws. Common sense should prevail in the officer's decision to continue or discontinue a pursuit. *See Interagency Agreement*

7.002 USE OF FORCE DURING PURSUIT

Columbia City Police Officers are not permitted to shoot at moving vehicles nor are they allowed to ram or "PIT" another vehicle unless the situation is life threatening and no other recourse is available. Direction should also be taken from the use of force continuum provided by the Department of Public Safety Standards and Training as well as use of force statutes before taking any action described in this paragraph.

7.003 SUPERVISOR AUTHORITY OVER PURSUIT

A Columbia City Police supervisor may call off any Columbia City Officer from any pursuit, at any time if he/she deems it necessary.

7.004 NOTIFICATION OF A SUPERVISOR

If a pursuit continues for more than five minutes or goes outside the City, the officer will attempt notification of a supervisor by whatever means he finds necessary. If there is any damage to any property or injury to any person as a result of any pursuit of a Columbia City Officer is engaged in, the officer will make every effort to notify a supervisor. If notification cannot be made directly to the supervisor, it is satisfactory to cause notification by message on an answering machine, paging of a supervisor, etc.

7.005 USE OF A STOP STICK SPIKE SYSTEM

In addition to the standard equipment used for effecting and terminating a pursuit, the Columbia City Police Department has acquired and implemented a spike strip program in an effort to terminate a pursuit safely for the suspect, officers and the public in general. Officers successfully completing the training provided by Stop Stick LTD and the Columbia City Police Department are authorized to use the Stop Stick equipment pursuant to the training provided. Officers utilizing the Stop Stick will complete an incident or special report depending on the situation at the time. These reports will be completed before the end of the officer's shift.

USE OF DEADLY FORCE POLICY

of the

Rainier Police Department

COLUMBIA COUNTY
DEADLY
PHYSICAL
FORCE
PLAN

ATTACHMENT #4

Use of Force

300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.11 PHILOSOPHY

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and when warranted, may use force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, the limitations of their authority. This is especially true with respect to officers overcoming resistance while engaged in the performance of their duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

300.2 POLICY

It is the policy of this department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

300.21 USE OF FORCE TO EFFECT AN ARREST OR PREVENT AN ESCAPE

- (a) Pursuant to Oregon Revised Statutes 161.235, and, except as provided in Oregon Revised Statutes 161.239, a peace officer is justified in using physical force upon another person only when and to the extent that the peace officer reasonably believes it necessary:
1. To make an arrest or to prevent the escape from custody of an arrested person unless the peace officer knows that the arrest is unlawful; or
-

Rainier Police Department

Use of Force

2. For self-defense or to defend a third person from what the peace officer reasonably believes to be the use or imminent use of physical force while making or attempting to make an arrest or while preventing or attempting to prevent an escape.
- (b) It is the policy of this department that use of force by its members be:
1. Justified under applicable state law;
 2. Consistent with the specific policies which follows;
 3. Professionally accomplished according to approved training and with approved equipment;
 4. In all cases employed to accomplish a legitimate tactical objective;
-
5. Limited to that degree and duration which the officers reasonably believes necessary to accomplish that objective;
 6. Applied by the officer and reviewed by the department based upon those facts which are reasonably believed by the officer at the time, applying legal requirements, department policy, and approved training to those facts. Facts later discovered, but unknown to the officer at the time, can neither justify nor condemn an officer's decision to use force.

An authorized official of a jail, prison, or correctional facility may use physical force when and to the extent that the official reasonable believes it necessary to maintain order and discipline, or as is authorized by law (Oregon Revised Statutes 161.205(2)).

300.22 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time)
- (b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects)
- (c) Influence of drugs/alcohol (mental capacity)
- (d) Proximity of weapons
- (e) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances)
- (f) Seriousness of the suspected offense or reason for contact with the individual
- (g) Training and experience of the officer
- (h) Potential for injury to citizens, officers and suspects
- (i) Risk of escape
- (j) Other exigent circumstances

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

Rainier Police Department

Use of Force

300.23 NON-DEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and intended under the circumstances to create a substantial likelihood of death or very serious injury shall be considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to leg restraints and control devices described in Policy Manual §§ 306 and 308 respectively.

300.3 DEADLY FORCE APPLICATIONS

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or very serious injury under the circumstances.

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an imminent threat of death or serious bodily injury.
- (b) An officer may not use deadly force to stop a fleeing suspect unless the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction, or threatened imminent infliction of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

300.4 REPORTING THE USE OF FORCE

Any use of physical force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in departmental policy and/or law.

300.41 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practical following the application of physical force, under any of the following circumstances:

- (a) The application of force appears to have caused physical injury
- (b) The individual has expressed a complaint of pain
- (c) Any application of a control device
- (d) The individual has been rendered unconscious

300.42 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of significant pain, or who has been rendered unconscious. If any individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified

Rainier Police Department

Use of Force

medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

300.5 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officer(s)
- (b) Ensure that any injured parties are examined and treated
- (c) Separately interview the subject(s) upon whom force was applied
- (d) ~~Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas~~
- (e) Identify any witnesses not already included in related reports
- (f) Review and approve all related reports

In the event that the supervisor believes that the incident may give rise to potential civil litigation, a separate potential claim form should be completed and routed to appropriate channels.

Should the supervisor determine that any application of force was not within policy, a separate internal administrative investigation shall be initiated.

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

300.6 USE OF FORCE REVIEW BOARD

The Chief of Police may assemble and convene a Use of Force Review Board to investigate the circumstances surrounding any use of force incident and will designate a member of the Board to serve as chairperson. This board will follow the procedures as outlined in § 302.24.

300.7 ANNUAL REVIEW

An annual review will be conducted on all use of force incidents which resulted in a "Supervisor's Review" or a review by the Use of Force Review Board and an incident report being forwarded through the chain of command. The purpose of the review will be to examine use of force incidents which may be useful in identifying department policy and/or training needs.

USE OF DEADLY FORCE POLICY

of the

Clatskanie Police Department

**COLUMBIA COUNTY
DEADLY
PHYSICAL
FORCE
PLAN**

ATTACHMENT #5

Use of Force

300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and safe manner.

300.11 PHILOSOPHY

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and when warranted, may use force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, the limitations of their authority. This is especially true with respect to officers overcoming resistance while engaged in the performance of their duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

300.2 POLICY

It is the policy of this department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

300.21 USE OF FORCE TO EFFECT AN ARREST OR PREVENT AN ESCAPE

Pursuant to Oregon Revised Statutes 161.235, and, except as provided in Oregon Revised Statutes 161.239, a peace officer is justified in using physical force upon another person only when and to the extent that the peace officer reasonably believes it necessary:

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

It is the policy of this department that use of force by its members be:

- (a) Justified under applicable state law

Clatskanie Police Department

Use of Force

- (b) Consistent with the specific policies which follows
- (c) Professionally accomplished according to approved training and with approved equipment
- (d) In all cases employed to accomplish a legitimate tactical objective
- (e) Limited to that degree and duration which the officers reasonably believes necessary to accomplish that objective
- (f) Applied by the officer and reviewed by the department based upon those facts which are reasonably believed by the officer at the time, applying legal requirements, department policy, and approved training to those facts. Facts later discovered, but unknown to the officer at the time, can neither justify nor condemn an officer's decision to use force.

An authorized official of a jail, prison, or correctional facility may use physical force when and to the extent that the official reasonable believes it necessary to maintain order and discipline, or as is authorized by law (Oregon Revised Statutes 161.205(2)).

300.22 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time)
- (b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects)
- (c) Influence of drugs/alcohol (mental capacity)
- (d) Proximity of weapons
- (e) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances)
- (f) Seriousness of the suspected offense or reason for contact with the individual
- (g) Training and experience of the officer
- (h) Potential for injury to citizens, officers and suspects
- (i) Risk of escape
- (j) Other exigent circumstances

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

300.23 NON-DEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and intended under the circumstances to create a substantial likelihood of death or very serious injury shall be considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and

Clatskanie Police Department

Use of Force

the public. Non-deadly force applications may include but are not limited to leg restraints and control devices described in Policy Manual §§ 306 and 308 respectively.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

300.3 DEADLY FORCE APPLICATIONS

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or very serious injury under the circumstances.

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an immediate threat of death or serious bodily injury
- (b) An officer may not use deadly force to stop a fleeing suspect unless the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction, or threatened imminent infliction of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

300.4 REPORTING THE USE OF FORCE

Any use of physical force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in departmental policy and/or law.

300.41 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practical following the application of physical force, under any of the following circumstances:

- (a) The application of force appears to have caused physical injury
- (b) The individual has expressed a complaint of pain
- (c) Any application of a control device
- (d) The individual has been rendered unconscious

300.42 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of pain, or who has been rendered unconscious.

300.5 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officer(s)

Clatskanie Police Department

Use of Force

- (b) Ensure that any injured parties are examined and treated
- (c) Separately interview the subject(s) upon whom force was applied
- (d) Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas
- (e) Identify any witnesses not already included in related reports
- (f) Review and approve all related reports

In the event that the supervisor believes that the incident may give rise to potential civil litigation, a separate potential claim form should be completed and routed to appropriate channels.

Should the supervisor determine that any application of force was not within policy, a separate internal administrative investigation shall be initiated.

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

300.6 USE OF FORCE REVIEW BOARD

The Chief of Police may assemble and convene a Use of Force Review Board to investigate the circumstances surrounding any use of force incident and will designate a member of the Board to serve as chairperson. This board will follow the procedures as outlined in § 302.24.

300.7 ANNUAL REVIEW

An annual review will be conducted on all use of force incidents which resulted in a "Supervisor's Review" or a review by the Use of Force Review Board and an incident report being forwarded through the chain of command. The purpose of the review will be to examine use of force incidents which may be useful in identifying department policy and/or training needs.

Deadly Force Review

302.1 PURPOSE AND SCOPE

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

302.2 REVIEW BOARD

The Clatskanie Police Department is charged with the important responsibility of objectively evaluating the use of deadly force. It is the policy of this department to convene a Use of Deadly Force Review Board when the use of deadly force by an employee results in injury or death to a person.

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

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

302.21 COMPOSITION OF THE BOARD

The Use of Deadly Force Review Board normally would be comprised of the following persons:

- Command representative
- Training Sergeant
- Non-administrative supervisor

The Chief of Police will designate a member of the Board to serve as chairperson.

The chairperson will convene the Use of Deadly Force Review Board as necessary. It will be the responsibility of the Sergeant to notify the Chief of Police of any incidents requiring board review. The Sergeant will also ensure that all relevant reports, documents, and materials are available for consideration and review by the Board.

302.22 RESPONSIBILITIES OF THE BOARD

The Use of Deadly Force Review Board is empowered to conduct an administrative investigation into the circumstances of an incident. The Board membership may request further investigation, call persons to present information, and may request that the involved employees appear before the Board. The involved employees will be notified of the meeting of the Board and may be represented by legal counsel and/or other representation through all phases of the review process.

Absent an expressed waiver from the employee, no more than two members of the Board may ask questions of the involved employee.

If it appears that the actions of the employee(s) may result in criminal charges or disciplinary action by the Department, the Board will conduct the interviews in accordance with department disciplinary procedures. The Board does not have the authority to recommend discipline. The Board shall make a finding and such finding will be limited to one of the following:

Clatskanie Police Department

Deadly Force Review

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

A finding will be the consensus of the Board. After the board has concluded, the board chairman will submit written findings of the board to the Chief of Police. The Chief of Police will review and take appropriate action.

At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Chief of Police.

Once the Board has reached its specific finding, the Training Sergeant may convene the separate training committee to address training needs and recommendations for this department without specific reference to the facts of the incident considered by the Board.

302.3 ANNUAL REVIEW

An annual review will be conducted on all use of force incidents which resulted in a "Supervisor's Review" and an incident report being forwarded through the chain of command. The purpose of the review will be to examine use of force incidents which may be useful in identifying department policy and/or training needs.

Shooting Policy

304.1 PURPOSE AND SCOPE

The purpose of the shooting policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only and does not increase the Department's and/or an officer's civil or criminal liability in any way. Violations of this policy can only form the basis for departmental administrative actions.

304.11 POLICY

It is the policy of this department to resort to the use of a firearm, when it reasonably appears to be necessary, and generally:

- (a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an immediate threat of death or serious bodily injury.
- (b) An officer may not use deadly force to stop a fleeing suspect unless the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.
- (c) To stop a dangerous animal
 - 1. In circumstances where officers encounter an unexpected dangerous animal or are surprised by an animal which reasonably appears to pose an immediate threat to the safety of officers or others, officers are authorized to use deadly force to neutralize such a threat.
 - 2. In circumstances in which officers have sufficient advanced notice that a potentially dangerous domestic animal (e.g. dog) may be encountered, such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g. fire extinguisher, Taser, OC Spray, animal control officer). Nothing in this policy shall prohibit any officer from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.
- (d) Officers may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.
- (e) For target practice at an approved range

Where feasible, a warning shall be given before an officer resorts to deadly force as outlined (a) and (b) above. A specific warning that deadly force will be used is not required by this policy; only that a warning be given if feasible.

304.12 WARNING SHOTS

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

Clatskanie Police Department

Shooting Policy

304.13 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and are generally discouraged.

- (a) Unless it reasonably appears that it would endanger officers or the public, officers are expected to move out of the path of any approaching vehicle.
- (b) This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.
- (c) Officers may not use deadly force to stop a fleeing suspect unless the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the infliction or threatened infliction of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force when feasible.

304.14 REPORT OF WEAPON DISCHARGE

Except during training or recreational use, any member who discharges a weapon accidentally or intentionally, on or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If on-duty at the time of the incident the member shall file a written report with the Chief of Police prior to the end of shift unless otherwise directed. If off-duty, as directed by the supervisor but no later than the end of the next regularly scheduled shift.

Leg Restraint Device

306.1 PURPOSE AND SCOPE

The proper use and application of a leg restraint device can reduce the potential of injury and damage to property when dealing with violent or potentially violent persons. This section provides guidelines, policy and procedures for the proper use of these devices.

306.2 POLICY

When an officer deems it reasonable to restrain the legs of a violent or potentially violent person during the course of detention, arrest and/or transportation, only restraint devices approved by the Department shall be used, and only in the departmentally approved manner for such temporary immobilization of the legs.

306.3 AUTHORIZED RESTRAINT

The RIPP Hobble manufactured by RIPP Restraints, Inc., Orange City, Florida is the only restraint authorized by this department. Officers shall only use the RIPP Hobble restraint supplied by the Department.

306.4 USE GUIDELINES

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

- (a) If the officer and/or others are subject to harm due to the assaultive behavior of a violent, resisting and/or attacking suspect
- (b) If it is reasonable to protect the suspect from his or her own actions which would place him/her or her in danger (e.g., hitting his or her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).

The restraint shall be used only after a person has been handcuffed.

306.5 PROCEDURE

The restraint device is designed to reduce the likelihood of injury to the restrained person or others, and to reduce the likelihood of property damage caused by the restrained person by preventing them from using his/her legs in a manner likely to result in injury or damage. The restraint will only be used to bind and immobilize a person's legs. Only those officers trained in the use of the restraint are authorized to employ it on any person. The following guidelines shall be used when applying the restraint device:

- (a) If practical, officer(s) should notify a supervisor of the intent to apply the restraint. In all cases, a supervisor shall be notified as soon as practical after the application of the restraint
- (b) Once the person's legs have been bound, the safety clip of the restraint may be attached to the chain of the handcuffs
- (c) Absent a medical emergency, the person being restrained shall remain restrained until the officer arrives at the jail or other facility or the person no longer poses a threat
- (d) Once secured, the suspect shall not be left unattended on his/her stomach for an extended period as this may potentially reduce the suspect's ability to breathe

Clatskanie Police Department

Leg Restraint Device

- (e) The suspect should be constantly watched by an officer while in the restraint. The officer is to ensure the suspect does not roll onto his/her stomach
- (f) The officer shall look for signs of labored breathing

306.51 TRANSPORTING RESTRAINED SUSPECTS

When transporting a suspect(s) who has been restrained, officers shall observe the following procedures:

- (a) Restrained suspects may be transported in a patrol unit. They shall be seated in an upright position and secured by a seat belt. The long lead of the restraint will be placed outside the rear door and wrapped around the door pillar bringing it up through the passenger front door to prevent the lead from dragging on the ground. When the suspect cannot be transported in a seated position he/she shall be taken by ambulance/paramedic unit.
- (b) When taken by ambulance/paramedic unit, the suspect shall be accompanied by an officer.
- (c) Officers shall inform the jail staff that the arrestee was subjected to being restrained by use of a restraint device prior to arrival at the jail.

306.6 DOCUMENTATION

Anytime the restraint device is used, the circumstances requiring its use shall be documented in the related report(s). The officer should include the following in the report:

- (a) The amount of time the suspect was restrained
- (b) How the suspect was transported and the position of the suspect
- (c) Observations of the suspect's physical and physiological actions
- (d) Any known or suspected drug use or other medical problems

Control Devices and Techniques

308.1 PURPOSE AND SCOPE

To reduce and minimize altercation-related injuries to officers and suspects, the Department authorizes the use of selected control devices. Certain control devices are provided in order to control violent or potentially violent suspects. It is anticipated that the use of these devices will generally result in fewer altercation-related injuries to officers and suspects. The below procedures are for the use and maintenance of control devices (e.g., baton, oleoresin capsicum (OC) spray and tear gas).

308.11 WHEN DEVICES MAY BE USED

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

308.2 BATON/ASP GUIDELINES

The baton/ASP is authorized for use when the officer is trained and certified in its use, and based upon the circumstances perceived by the an officer, lesser force would not reasonably appear to result in the safe control of the suspect.

308.3 CHEMICAL AGENTS SPRAY GUIDELINES

Only authorized personnel may possess and employ department issued oleoresin capsicum spray. Chemical agents are weapons used to minimize the potential for injury to officers, offenders, or other persons. They should be used only in situations where such force reasonably appears justified and necessary.

308.31 REQUIRED INSTRUCTION FOR USE

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

308.32 CARRYING OF OLEORESIN CAPSICUM SPRAY

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

Canisters involved in any type of malfunction or damage shall be turned in to the Sergeant for exchange. Damage to City Property forms shall also be forwarded to the appropriate supervisor and shall explain the cause of damage.

308.33 TREATMENT FOR OC SPRAY EXPOSURE

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

Clatskanie Police Department

Control Devices and Techniques

308.34 REPORT OF USE

All uses of chemical agents shall be documented in the related arrest/crime report.

Taser™ Guidelines

309.1 PURPOSE AND SCOPE

When properly applied in accordance with this policy, the Taser™ device is considered a non-deadly control device which is intended to temporarily incapacitate a violent or potentially violent individual without causing serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

309.2 POLICY

Personnel who have completed department approved training may be issued a Taser for use during their current assignment. Personnel leaving a particular assignment may be expected to return their issued device to the department's inventory.

Officers shall only use Taser and cartridges that have been issued by the Department. The device may be carried either as a part of a uniformed officer's equipment in an approved holster or secured in the driver's compartment of the officer's vehicle so that it is readily accessible at all times.

- (a) If the Taser is carried as a part of a uniformed officer's equipment, the Taser shall not be carried on the same side as the officer's duty weapon.
- (b) All Tasers shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (c) Whenever practical, officers should carry a total of two or more Taser cartridges on their person at all times while carrying a Taser.
- (d) Officers shall be responsible for insuring that their issued Taser is properly maintained and in good working order at all times.
- (e) Officers should never hold both a firearm and the Taser at the same time unless lethal force is justified.

309.3 VERBAL AND VISUAL WARNINGS

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

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with warning that a Taser may be deployed.

If, after a verbal warning, an individual continues to express an unwillingness to voluntarily comply with an officer's lawful orders and it appears both reasonable and practical under the circumstances, the officer may, but is not required to display the electrical arc (provided there is not a cartridge loaded into the Taser) or laser in a further attempt to gain compliance prior to the application of the Taser. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair their vision.

The fact that a verbal and/or other warning was given or reasons it was not given shall be documented in any related reports.

Clatskanie Police Department

Taser™ Guidelines

309.4 USE OF THE TASER

As with any law enforcement equipment, the Taser has limitations and restrictions requiring consideration before its use. The Taser should only be used when its operator can safely approach the subject within the operational range of the Taser. Although the Taser rarely fails and is generally effective in subduing most individuals, officers should be aware of this potential and be prepared with other options in the unlikely event of such a failure.

Authorized personnel may use the Taser when circumstances known to the individual officer at the time indicate that the application of the Taser is reasonable to subdue or control:

- (a) A violent or physically resisting subject, or
- (b) A potentially violent or physically resisting subject if:
 - 1. The subject has verbally or physically demonstrated an intention to resist; and
 - 2. The officer has given the subject a verbal warning of the intended use of the Taser followed by a reasonable opportunity to voluntarily comply; and
 - 3. Other available options reasonably appear ineffective or would present a greater danger to the officer or subject.
- (c) Although not absolutely prohibited, officers should give additional consideration to the unique circumstances involved prior to applying the Taser to any of the following individuals:
 - 1. Pregnant females
 - 2. Elderly individuals or obvious juveniles
 - 3. Individuals who are handcuffed or otherwise restrained
 - 4. Individuals who have been recently sprayed with alcohol based Pepper Spray or who are otherwise in close proximity to any combustible material
 - 5. Passively resisting subjects
 - 6. Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating vehicles)
- (d) Individuals suspected of being under the influence of drugs/alcohol or exhibiting symptoms of "excited delirium" (e.g. nudity, profuse sweating, irrational behavior) may be more susceptible to collateral problems and should be closely monitored following the application of the Taser until they can be examined by paramedics or other medical personnel.
- (e) Because the application of the Taser in the "Drive Stun" mode (i.e. direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised and the controlling effects may be limited

The Taser shall not be used to torture, psychologically torment or inflict undue pain on any individual.

309.41 MULTIPLE APPLICATIONS OF THE TASER DEVICE

If, after a single application of the Taser, an officer is still unable to gain compliance from an individual and circumstances allow, the officer should consider whether or not the Taser is making proper contact, the use of the Taser is limiting the ability of the individual to comply or if other options or tactics may be more appropriate. This however, shall not preclude any officer from multiple, reasonable applications of the Taser on an individual.

Clatskanie Police Department

Taser™ Guidelines

309.42 REPORT OF USE

All Taser discharges shall be documented in the related arrest/crime report and on the Taser report form. Accidental discharges of a Taser cartridge will also be documented on the Taser report form. Any report documenting the discharge of a Taser cartridge will include the cartridge's serial number and an explanation of the circumstances surrounding the discharge.

309.5 MEDICAL TREATMENT

Any person who has been subjected to the electric discharge of a Taser and/or struck by Taser darts shall be medically cleared prior to being booked. Individuals who have been subjected to the electric discharge of a Taser and/or struck by Taser darts and who are also suspected of being under the influence of controlled substances and/or alcohol should also be examined by paramedics or other qualified medical personnel as soon as practicable.

309.6 TRAINING

In addition to the initial department approved training required to carry and use a Taser, any personnel who have not carried a Taser as a part of their assignment for a period of six months or more shall be recertified by a department approved Taser instructor prior to again carrying or using the device. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Manager.

USE OF DEADLY FORCE POLICY

of the

Vernonia Police Department

COLUMBIA COUNTY
DEADLY
PHYSICAL
FORCE
PLAN

ATTACHMENT #6

Use of Force

300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.11 PHILOSOPHY

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and when warranted, may use force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, the limitations of their authority. This is especially true with respect to officers overcoming resistance while engaged in the performance of their duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

300.2 POLICY

It is the policy of this department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

300.21 USE OF FORCE TO EFFECT AN ARREST OR PREVENT AN ESCAPE

Pursuant to Oregon Revised Statutes 161.235, and, except as provided in Oregon Revised Statutes 161.239, a peace officer is justified in using physical force upon another person only when and to the extent that the peace officer reasonably believes it necessary:

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

Vernonia Police Department

Use of Force

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

It is the policy of this department that use of force by its members be:

- (a) Justified under applicable state law;
- (b) Consistent with the specific policies which follows;
- (c) Professionally accomplished according to approved training and with approved equipment;
- (d) In all cases employed to accomplish a legitimate tactical objective;
- (e) Limited to that degree and duration which the officers reasonably believes necessary to accomplish that objective;
- (f) Applied by the officer and reviewed by the department based upon those facts which are reasonably believed by the officer at the time, applying legal requirements, department policy, and approved training to those facts. Facts later discovered, but unknown to the officer at the time, can neither justify nor condemn an officer's decision to use force.

An authorized official of a jail, prison, or correctional facility may use physical force when and to the extent that the official reasonable believes it necessary to maintain order and discipline, or as is authorized by law (Oregon Revised Statutes 161.205(2)).

300.22 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time)
- (b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects)
- (c) Influence of drugs/alcohol (mental capacity)
- (d) Proximity of weapons
- (e) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances)
- (f) Seriousness of the suspected offense or reason for contact with the individual
- (g) Training and experience of the officer
- (h) Potential for injury to citizens, officers and suspects
- (i) Risk of escape
- (j) Other exigent circumstances

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

Vernonia Police Department

Use of Force

300.23 NON-DEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and intended under the circumstances to create a substantial likelihood of death or very serious injury shall be considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to leg restraints and control devices described in Policy Manual §§ 306 and 308 respectively.

300.24 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received departmentally approved training and only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstance including, but not limited to:

- (a) The potential for injury to the officer(s) or others if the technique is not used
- (b) The potential risk of serious injury to the individual being controlled
- (c) The degree to which the pain compliance technique may be controlled in application according to the level of resistance
- (d) The nature of the offense involved
- (e) The level of resistance of the individual(s) involved
- (f) The need for prompt resolution of the situation
- (g) If time permits (e.g., passive demonstrators), other reasonable alternatives

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.25 CAROTID RESTRAINT

The proper application of the carotid restraint hold by a trained officer may be effective in quickly restraining a violent individual however due to the potential for injury, the carotid restraint hold may only be applied under the following conditions:

- (a) The officer shall have received departmentally approved training in the use and application of the carotid restraint.
- (b) The carotid restraint may only be used when the officer reasonably believes that such a hold appears necessary to prevent serious injury or death to an officer or other person(s).
- (c) Any individual who has been rendered unconscious by the use of the carotid restraint shall be promptly examined by paramedics or other qualified medical personnel.
- (d) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid restraint and whether the subject lost consciousness as a result.
- (e) Any officer applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such hold.
- (f) The use or attempted use of the carotid restraint shall be thoroughly documented by the officer in any related reports.

Vernonia Police Department

Use of Force

300.3 DEADLY FORCE APPLICATIONS

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or very serious injury under the circumstances.

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an imminent threat of death or serious bodily injury.
- (b) An officer may not use deadly force to stop a fleeing suspect unless the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction, or threatened imminent infliction of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

300.4 REPORTING THE USE OF FORCE

Any use of physical force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in departmental policy and/or law.

300.41 NOTIFICATION TO CHIEF OF POLICE

Chief of Police notification shall be made as soon as practical following the application of physical force, under any of the following circumstances:

- (a) The application of force appears to have caused physical injury
- (b) The individual has expressed a complaint of pain
- (c) Any application of a control device
- (d) The individual has been rendered unconscious

300.42 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of significant pain, or who has been rendered unconscious. If any individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

300.5 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officer(s)

Vernonia Police Department

Use of Force

- (b) Ensure that any injured parties are examined and treated
- (c) Separately interview the subject(s) upon whom force was applied
- (d) Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas
- (e) Identify any witnesses not already included in related reports
- (f) Review and approve all related reports

In the event that the supervisor believes that the incident may give rise to potential civil litigation, a separate potential claim form should be completed and routed to appropriate channels.

Should the supervisor determine that any application of force was not within policy, a separate internal administrative investigation shall be initiated.

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

Officer-Involved Shooting

310.1 PURPOSE AND SCOPE

To establish policy and procedures for the investigation of an incident in which a person is injured as the result of a police shooting. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

Nothing in this policy is intended to increase, modify, or in any way affect the current legal standards nor shall any deviation from these guidelines be considered a breach of any legal standard.

310.2 INVESTIGATION RESPONSIBILITY

This department conforms to the protocols of the Officer-Involved Shooting for investigating officer-involved shootings.

310.3 TYPES OF INVESTIGATIONS

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

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency or interagency team with the approval of the Chief of Police or a Supervisor
- (b) A criminal investigation of the involved officers conducted by an outside agency or interagency team
- (c) A civil investigation to determine potential liability conducted by the involved officer's agency
- (d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy

310.4 JURISDICTION

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

310.41 VERNONIA POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION

The Vernonia Police Department is responsible for the criminal investigation of the suspects actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by this agency or an inter-agency team as designated by the protocols of the Officer-Involved Shooting in conjunction with the District Attorney's Office

310.42 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Vernonia Police Department is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by this agency or an inter-agency team as designated by the protocols of the Officer-Involved

Vernonia Police Department

Officer-Involved Shooting

Shooting in conjunction with the District Attorney's Office. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

310.43 VERNONIA POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION

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

310.44 INVESTIGATION RESPONSIBILITY MATRIX

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

	Criminal Investigation of Suspect(s)	Criminal Investigation of Officer(s)	Civil Investigation	Administrative Investigation
Vernonia Police Department Officer in this Jurisdiction	Vernonia Police Department	Officer-Involved Shooting and District Attorney's Office	Vernonia Police Department	Vernonia Police Department
Allied Agency's Officer in this Jurisdiction	Vernonia Police Department	Officer-Involved Shooting and District Attorney's Office	Involved Officer's Department	Involved Officer's Department
An officer From this department in Another Jurisdiction	Agency where incident occurred	Officer-Involved Shooting Protocol dictated by county where incident occurred	Vernonia Police Department	Vernonia Police Department

310.5 THE INVESTIGATION PROCESS

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

310.51 DUTIES OF INITIAL ON SCENE SUPERVISOR

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

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals
- (b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s)
 1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.
- (c) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information

Vernonia Police Department

Officer-Involved Shooting

- (d) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information
- (e) Provide all available information to the Communications Center. If feasible, sensitive information should be communicated over secure networks
- (f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel
- (g) As soon as practical, shooter officers should respond or be transported (separately, if feasible) to the station for further direction
 - 1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
 - 2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or transported to the station by other officers.

310.52 ASSISTING OFFICER DUTIES

Upon learning of an officer-involved shooting, the Assisting Officer shall be responsible for coordinating all aspects of the incident until relieved by the Chief of Police or a Supervisor.

310.53 NOTIFICATIONS

The following person(s) shall be notified as soon as practical:

- Chief of Police
- District Attorney
- Medical Examiner (if necessary)
- Officer representative (if requested)

All outside inquiries about the incident shall be directed to the Chief of Police.

310.54 MEDIA RELATIONS

A single press release shall be prepared with input and concurrence from the Chief of Police and agency representative responsible for each phase of the investigation. This release will be available to the Supervisor in the event of inquiries from the media.

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Chief of Police.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.55 INVOLVED OFFICERS

Once involved officer(s) have arrived at the station, a supervisor should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

- (a) Any request for legal representation will be accommodated
- (b) Discussions with licensed attorneys will be considered privileged as attorney client communications

Vernonia Police Department

Officer-Involved Shooting

- (c) Discussions with departmental (e.g., association) representatives will be privileged only as to the discussion of non-criminal information
- (d) A psychotherapist shall be provided by the Department to each involved officer, or any officer upon request
 1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.
- (e) Communications with peer counselors are confidential and may not be disclosed by any person participating in the peer support counseling session (Oregon Revised Statutes 181.860). To be considered confidential communications under the statute, the peer counselor must:
 1. Have been designated by a law enforcement agency or employee assistance program to act as a peer counselor, and
 2. Have received training in counseling and in providing emotional and moral support to public safety personnel or emergency services personnel who have been involved in emotionally traumatic incidents by reason of their employment

Care should be taken to preserve the integrity of any physical evidence present on the officer, equipment or clothing (e.g., blood, fingerprints, etc.) until investigators or lab personnel can properly retrieve it.

Detectives shall make reasonable accommodations to the officer's physical and emotional needs.

Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting. Officers who use deadly physical force that results in the death of a person shall not be returned to regular duty until at least 72 hours immediately following the incident. It shall be the responsibility of a supervisor to make schedule adjustments to accommodate such leave.

310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

310.61 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting, it shall be the responsibility of the Chief of Police to assign appropriate personnel to handle the investigation of related crimes in compliance with the protocols of the Officer-Involved Shooting. Personnel will be assigned to work with the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated under the direction of the District Attorney's Office.

All related departmental reports except administrative and/or privileged reports will be forwarded to the Chief of Police for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the Chief of Police.

310.62 CRIMINAL INVESTIGATION

It shall be the policy of this department to utilize the District Attorney's Office to provide guidance in a criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

Vernonia Police Department

Officer-Involved Shooting

If available, personnel from this department may be assigned to "partner" with investigators from the interagency investigative team so as to not duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

- (a) The Chief of Police and supervisory personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry
- (b) If requested, any involved officer will be afforded the opportunity to consult with a representative of his or her choosing or an attorney, prior to speaking with criminal investigators
- (c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations
- (d) Absent consent from the involved officer or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators

310.63 REPORTS BY INVOLVED OFFICERS

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

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

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

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

310.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Chief of Police and will be considered a confidential peace officer personnel file.

- (a) Any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

Vernonia Police Department

Officer-Involved Shooting

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s).
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, or if there are additional issues that were not covered in the criminal investigation, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview.
 3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview).
 4. The officer shall be informed of all constitutional "Miranda" rights and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions. The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The Garrity admonishment).
 5. The administrative interview shall be considered part of the officer's confidential personnel file.
 6. The Chief of Police shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 7. The completed administrative investigation shall be reviewed by the Chief of Police to determine whether there was compliance with the Department use of deadly force policy .
 8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

USE OF DEADLY FORCE POLICY

of the

Columbia County Sheriff's Office

**COLUMBIA COUNTY
DEADLY
PHYSICAL
FORCE
PLAN**

ATTACHMENT #7



COLUMBIA COUNTY SHERIFFS' OFFICE Division : ENFORCEMENT DIVISION USE OF FORCE	<i>Effective date</i> March 21, 2006	<i>Reviewed Date</i> March 21, 2006
	<i>Policy Number: 6</i>	
<i>Reference</i>	<i>Sheriff</i> Philip W. Derby	

**COLUMBIA COUNTY
ANNUAL REVIEW OF THE RULES OF
USE OF FORCE
POLICY & PROCEDURES**

Reviewed By :

Date :

Reviewed By :

Date :

NOTE:

This rule or regulation is for internal use only, is not intended to enlarge an employee's civil or criminal liability, to create a higher standard of care or to create substantive rights enforceable by third parties. Violations of this directive, if proven, can only form the basis of complaint by this office, and then only in a non-judicial administrative setting.

I. POLICY:

The use of force by law enforcement personnel is a matter of critical concern both to the public and the law enforcement community. Deputies are involved on a daily basis in numerous and varied human encounters, and when warranted, may use force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, the limitations on their authority, particularly with respect to overcoming resistance from those with whom they come in official contact.

This office recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting deputies with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

It is the policy of this office that deputies shall use only that amount of force which reasonably appears necessary, given the facts and circumstances perceived by the deputy at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable person on the scene at the time of the incident. No deputy has the authority to depart from this policy.

Oregon Revised Statute 161.235 provides that:

"A peace officer is justified in using physical force upon another person only when and to the extent that the peace officer reasonably believes it necessary:

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

No policy and procedure statement can identify every possible situation a deputy might encounter in the field which requires the use of force. This policy is intended to provide guidelines enabling deputies to make judgments regarding the amount of force that is reasonable under all prevailing circumstances. While it is the ultimate objective in every law enforcement encounter to avoid or minimize injury to everyone involved, nothing in this policy requires a deputy to actually sustain physical injury before applying reasonable force.

As noted, any application of force by a member of this office must be judged by a standard of "reasonableness." When evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration. Those factors should include, but are not limited to:

1. The conduct of the individual being confronted (as reasonably perceived by the deputy at the time) .
2. Deputy/Subject factors (age, size, relative strength, skill level, injury, exhaustion, number of deputies vs. subjects).
3. Influence of drugs or alcohol (mental capacity).
4. Proximity of weapons.
5. Availability of other options (what resources are reasonably available to the deputy under the circumstances).
6. Seriousness of the suspected offense or reason for contact with the individual.
7. Training and experience of the deputy.
8. Potential for injury to citizens, deputies and suspects.
9. Risk of escape.
10. Other exigent circumstances.

It is recognized that deputies are expected to make split-second decisions and that the amount of time available to evaluate and respond to changing circumstances may impact a deputy's decision.

While various degrees of force exist, each deputy is expected to respond with only that degree of force which reasonably appears appropriate under the

circumstances, at the time, to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

The decision to use force rests with each deputy. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each deputy is expected to use these guidelines to make such decisions in a professional, impartial and safe manner.

II. PURPOSE:

This policy recognizes that the use of force by deputies requires constant evaluation. The purpose of this policy is to provide deputies of this office with guidelines on the reasonable use of force.

III. DEFINITIONS :

A. DEADLY FORCE INCLUDES:

Any force applied in any manner by any means that could reasonably be expected to cause death or serious physical injury.

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

B. NON-DEADLY FORCE:

Force employed which is neither likely nor intended to cause death or serious physical injury.

C. REASONABLE BELIEF:

When facts or circumstances the deputy knows, or should have known, are such that they would cause an ordinary and prudent person to act or think in a similar way, under similar circumstance.

IV. NON-DEADLY FORCE:

The office trains deputies in various techniques to maintain control of situations encountered in the performance of their duties. Deputies shall assess the incident to determine which technique will best diffuse the situation and bring it under control. The following are key principles from training:

- A. VERBAL CONTROL:
Verbal control refers to the manner in which the deputy speaks to a person, which in itself can effectively manage a situation. Verbal control may include advise, persuasion, admonitions, or orders. The volume and tone of the deputy's speech may also contribute to control without having to resort to another method of force. The office urges the use of verbal commands without the use of profanity or disrespectful or argumentative language or behavior.
- B. PHYSICAL CONTACT:
Directing a person by touch or by controlling a person with an escort hold.
- C. COMPLIANCE TECHNIQUES :
At times, uncooperative people who refuse to be taken into custody may only respond to chemical agents or a combination of strength, leverage, take-downs, control holds, come-alongs, or use of a baton to make an arrest. The object of this type of force is to gain control and gain the suspect's compliance, while minimizing the risk of injury to deputies, bystanders, or the person being placed into custody. Deputies may, by use of methods sanctioned through training, employ chemical agents or use hands, fists, feet, knees, and/or baton to gain control of an adversary.
1. CHEMICAL AGENTS:
The only chemical weapon authorized for patrol personnel is the oleoresin capsicum (O.C) or "pepper spray". Chemical agents shall be used only to the extent necessary to overcome the resistance of the suspect, and within training standards. Specialized chemical agents, such as concussion grenades or tear gas, shall be used only by personnel trained in their application, and then only under direct orders of the on-scene Supervisor upon consultation with the Sheriff.
- a. Chemical sprays shall not be used as a threat to elicit information, nor will they be used on people who are secured, and properly in custody.
- b. If used on persons who are sick or intoxicated to the extent that they are not in possession of their normal protective reflexes, (such as being able to turn away from the applied spray) , be prepared afterward to administer prompt aid (described in c below) to prevent complications from vomiting, choking, or respiratory seizures.

c. When a person that has been pepper-sprayed is no longer combative and is under the deputy's absolute control, the deputy(s) shall, as soon as possible, use any available clean water source (garden hose, kitchen sink sprayer, etc.), to rinse the person's face and eyes to remove any residual O.C. agent. As a safety precaution, handcuffs or restraints that are already in place shall not be removed.

2. **BATON:**
The Sheriff's Office authorizes the carrying and use of the extendable or side handle baton as the only striking weapon for deputies. All other forms of striking or punching weapons are prohibited for carrying or use, including but not limited to saps, blackjacks, slapjacks, nunchaku, and similar sticks and brass knuckles. The baton shall not be used to strike handcuffed individuals. Deputies may carry indestructible type flashlights designed to serve as a flashlight. Such equipment will be subject to approval by the Sheriff's Office.

D. **CUSTODY RELATED DEATHS:**

1. Sudden custody death can occur at any time for a variety of reasons. Consequently, deputies must be aware of and recognize risk indicators. These indicators generally include:
 - a. Bizarre or violent activity;
 - b. Obesity, especially "Big Bellies";
 - c. Drug and/or alcohol involvement; or;
 - d. Apparent ineffectiveness of pepper spray.
2. Diligent observation and constant monitoring of subjects displaying any one or a combination of the above indicators is mandatory. Furthermore, the use of maximal, prone restraint techniques should be avoided. If prone positioning is required, subjects should be closely and continuously monitored.
3. Positional asphyxia occurs when body position interferes with the person's respiration, resulting in asphyxia. Positional asphyxia deaths tend to occur in a similar manner: Maximally restrained (hog tied) subjects, unless seated upright in police vehicles, may become quiet and inactive after transports.

stop breathing. It is, therefore, extremely important when transporting prisoners that the transporting deputy keep the suspect(s) under constant observation, particularly when one or more of the factors listed in D-1 above are present.

V. DEADLY FORCE:

Deadly force may only be used :

- a. In defense of the deputy or others from what is reasonably believe to be an immediate threat of death or serious bodily harm.
- b. To prevent the escape of a fleeing person whom the deputy has probable cause to believe will pose a significant threat to human life should escape occur.
 - (1) In evaluating a “significant threat”, the deputy must reasonably believe that the person has either used deadly force in the commission of a crime, or may inflict death or serious harm to the deputy or others if apprehension is delayed.
 - (2) Where feasible, deputies shall identify themselves and give a verbal warning before shooting.

VI. LIMITATION ON THE USE OF FORCE:

The following acts associated with the use of force are prohibited.

- A. Firing into crowds.
- B. Firing warning shots.
- C. Firing at or from a moving vehicle, except where the deputy reasonably believes that:
 1. An occupant of the other vehicle is using, or threatening to use, deadly force by a means other than the vehicle.
 2. A vehicle is operated in a manner deliberately intended to strike a deputy or a citizen, and all other reasonable means of defense have been exhausted or are not present, and the safety of

have been exhausted or are not present, and the safety of innocent persons would not be unduly jeopardized by the deputy's action.

- D. Application of choke hold or carotid control holds, except when the deputy reasonably believes such holds are the only means of protecting him/herself or another person from an imminent threat of serious physical injury or death.
- E. The carrying or use of saps, blackjacks, or slapjacks.
- F. Any use of force not reasonably necessary in the light of the circumstances confronting the deputy.
- G. Any forcible police action when off-duty except in circumstances which seriously threaten life, valuable property, or public order.

VII. REPORTING THE USE OF FORCE;

- A. If any force (except verbal control and physical contact) is used deputies shall:
 - 1. Immediately notify a supervisor or the Sheriff (if no other supervisor is available) .
 - 2. Report the use of force in the narrative section of a written report and articulate:
 - a. All facts known by the deputy at the time of the incident including those described under Justification of this policy.
 - b. The types of force the deputy used to gain control of the person or persons arrested and the results of the types of force used.
 - c. Any injuries sustained by the deputy or the person or persons arrested and any medical care received or administered.
- B. Any injury resulting from the application of force, whether to a citizen or deputy, shall be reported to the Columbia County risk manager and, in case of death, the District Attorney's Office, and the Medical Examiner.

VIII. OFFICIAL RESPONSE:

A. ASSIGNMENT:

Pending administrative review, any deputy who has taken the life of another person will be removed from line-duty assignment. This action protects both the deputy's and the community's interests until the incident has been thoroughly investigated and resolved.

B. REVIEW:

1. All reported uses of force will be reviewed by the Sheriff, or his designees, to determine whether:
 - a. Office orders were violated;
 - b. Relevant official policy was clearly understandable and effective to cover the situation; or,
 - c. Office training was adequate.

C. PSYCHOLOGICAL SERVICES:

Psychological follow-up of post-shooting trauma will normally be directed by the Sheriff whenever deemed appropriate. During an internal investigation, the department will do all within its power to avoid placement of stigma on the deputy who used deadly force in performance of his or her duty. Following a use of force resulting in a death, the deputy shall not return to duty until a psychological evaluation has been conducted, and the deputy has received adequate and effective counseling.

- IX. A Deputy Sheriff is authorized to use any means available to preserve his life, or any other person's life, when it appears to the deputy that there is no reasonable alternative under the circumstances.

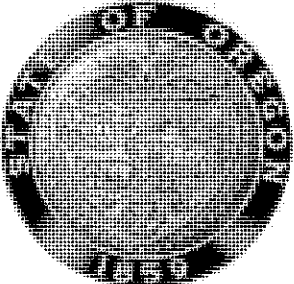
USE OF DEADLY FORCE POLICY

of the

Oregon State Police

COLUMBIA COUNTY
DEADLY
PHYSICAL
FORCE
PLAN

ATTACHMENT #8

	Department of State Police	CHAPTER: 500.8 SUBJECT: USE OF FORCE REVISED: July 11, 2006 SUPERSEDES: August 7, 2000 PAGES: 10
---	---------------------------------------	--

POLICY

This Department recognizes and respects the value of each human life. Sworn employees are vested with the lawful authority to use force in preserving the peace. A balancing of all human interests is required. It is the policy of this Department to use the force that is necessary and reasonable to bring an incident under control, while protecting the safety of the officer or other persons.

The use of force by police officers, whether deadly or non-deadly, is frequently closely scrutinized by the media, the criminal justice system, and the citizens we serve. Therefore, sworn employees must be prepared to articulate and justify the reasoning applied when the use of force is necessary. Toward that end, the totality of the circumstances leading to and justifying the use of force must be carefully documented.

Non-sworn employees are not expected to use physical force in the performance of their duties. Should they find themselves in a position requiring the use of physical force, they are to comply with statutes applicable to non-peace officers.

RELATED LAWS/REFERENCES

ORS 161.015, 161.235, ORS 161.239, ORS 161.245 and related statutes; Department Manual Chapter 300.1, 402.2, 402.3, 502.7 - 502.10.

DEFINITIONS

1. **Deadly Physical Force (ORS 161.015)** - "Deadly physical force" means physical force that under the circumstances in which it is used, is readily capable of causing death or serious physical injury.
2. **Non-Deadly Physical Force** - Any use of physical force other than that which is considered deadly physical force.
3. **Physical Force** - Actual physical contact with a person, and/or the use of chemical agents on a person, for the purpose of overcoming resistance to lawful authority.

4. Physical Injury (ORS 161.015 sub.6) - Impairment of physical condition or substantial pain.
5. Serious Physical Injury (ORS 161.015 sub.7) - Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss of impairment of the function of any bodily organ.
6. Use of Force Incident - Any incident when deadly physical force, non-deadly physical force, or physical force is utilized in the furtherance of the Department's mission. Includes any discharge of a firearm (except to destroy an animal for public safety or humanitarian reasons, or during approved firearms training).
7. Totality of the Circumstances - All factors considered. With respect to use of force, circumstances may include comparative size; physical, emotional and mental condition; skill level of combatants; nature of the offense; weapons; and availability of assistance.
8. Use of physical force in making an arrest or in preventing an escape [ORS 161.235, (in part)].
 - A. A peace officer is justified in using physical force upon another person only when and to the extent the peace officer reasonably believes it necessary:
 1. To make an arrest or to prevent the escape from custody of an arrested person, unless the peace officer knows that the arrest is unlawful; or
 2. For self-defense or to defend a third person from what the peace officer reasonably believes to be the use or imminent use of physical force while making or attempting to make an arrest, or while preventing or to prevent an escape.

RULES

1. A sworn employee shall only use that force reasonably necessary in the performance of his/her duties in the following circumstances:
 - A. To make the lawful arrest of a person;
 - B. To prevent the escape from custody of a person lawfully arrested;
 - C. In self defense; or
 - D. In the defense of another person.

2. No sworn employee shall use unreasonable or excessive force upon or toward any person.
3. All use of force by sworn employees shall comply with current statute; and Department rules, policies, procedures, and training.
4. The degree of force used shall be the amount necessary to overcome resistance being employed by the person, or the immediate threat the person poses to the sworn employee or other persons.
5. Any force employed shall, whenever feasible, be progressive in nature. Situations may require the officer to proceed directly to a higher level of force as identified in the force continuum guidelines of this policy.
6. Unless other circumstances exist, sworn employees will use only the weapons, tools, techniques and training authorized by the Department.

PROCEDURES

1. Five Step Communications Procedures

- A. Whenever feasible, verbal communication utilizing the tactical five step approach per prescribed Department training guidelines should be adhered to:
 1. Ask (Ethical appeal)
 2. Set context (Reasonable appeal)
 3. Present options (Personal appeal)
 4. Confirm (Practical appeal)
 5. ACT!

2. Progressive Use of Force

Force continuum guidelines - This section sets forth the definitions and progressive levels of the force continuum utilized by the Department.

- A. Officer presence - Compliance is gained through the professional bearing and demeanor exhibited by the officer.
- B. Verbal - Compliance is achieved through tactical communication, i.e., the Five Step Communication Procedure.
- C. Empty hand/Control techniques - Compliance is gained through physical contact utilizing Department trained techniques to overcome resistance.
- D. Chemical agent - Compliance is gained through oleoresin capsicum (o/c) and/or any other Department approved chemical agent.

- E. Strikes and kicks - Compliance is achieved through the use of empty hand strikes and kicks in accordance with prescribed training.
- F. Impact weapons - Use of an impact weapon to gain compliance.
- G. Deadly Physical Force - The use of deadly or dangerous weapons in a manner, degree or to the extent that death or serious physical injury is a reasonable consequence.

3. Use of Deadly Physical Force

- A. Notwithstanding ORS 161.239, a sworn employee may use deadly physical force only when the officer reasonably believes the use of such force is necessary to:
 - 1. Defend the officer or another person from what the officer reasonably believes to be the infliction or threatened infliction of serious physical injury;
 - 2. Apprehend a person who the officer has probable cause to believe has committed, or is committing, a crime involving the infliction of serious physical injury;
 - a. However, where the suspect poses no threat to the officer or others of serious physical harm, the officer is not justified in using deadly physical force; or,
 - 3. Prevent the escape of a person from custody who the officer has probable cause to believe is inflicting, or threatening to inflict, serious physical injury as a means of escape.
- A. Deadly physical force may be used when and if, where feasible, some warning has been given.
- B. "Warning shots" are prohibited.
- C. Discharging a firearm at a motor vehicle constitutes the use of deadly physical force.
- D. When a sworn employee draws his/her firearm, baton, or other weapon as dictated by the totality of the circumstances, that act alone will not be considered "use of force" and does not necessitate notification to a supervisor.
- E. When a firearm is pointed at a person, the immediate supervisor shall be notified as soon as practicable.

- F. In addition to the circumstances previously outlined in this section, sworn employees may also discharge a Department authorized firearm:
 - 1. At Department sanctioned firearms practice or competitive shooting events; and
 - 2. In the destruction of an animal if it poses a threat to public safety or as a humanitarian measure if an animal is seriously ill or injured. (If unusual circumstances exist, i.e., prior intelligence for a search warrant, or an animal of obvious value, prior supervisor approval should be sought if feasible.) In all cases, a supervisor will be notified as soon as practicable.

4. Non-Deadly Use of Force

- A. Sworn employees are provided and authorized to carry and use tools and techniques to gain compliance under circumstances when the use of dangerous or deadly weapons is not justified. Examples of these tools include handcuffs, chemical agents, mini-flashlight and hand control techniques.
 - 1. Use of these and similar tools and techniques are not considered use of dangerous or deadly weapons when the manner, degree or extent in which they are used, would not be expected to result in serious physical injury or death.

5. Training

- A. Deadly Weapons (Firearms)
 - 1. Current guidelines in Department policy for firearms training will be strictly adhered to while on duty.
- A. Non-Deadly Weapons
 - 1. Current guidelines in Department policy for defensive tactics training will be strictly adhered to while on duty.
- A. Sworn employees shall be instructed in various aspects of verbal and non-verbal communication, officer safety techniques, defensive tactics, and firearms which encompass the prescribed force continuum guidelines.

6. Use of Force Notification

- A. Any sworn employee involved in a "use of force incident" is required to notify his/her immediate supervisor as soon as practicable after the incident.
 - 1. If an officer is represented by the Oregon State Police Officers Association (OSPOA), the employee shall fill out the "Use of Force OSPOA Rights/Supervisory Notification Form" as formal notice that they understand their rights with respect to the use of

force delivered.

- a. The Use of Force OSPOA Rights/Supervisory Notification Form is attached to this chapter and may be reproduced.
2. The represented officer's immediate supervisor shall ensure this form is utilized.
3. The original Use of Force OSPOA Rights/Supervisory Notification Form is forwarded through the chain of command to the Office of Professional Standards.

7. Reporting Use of Force

- A. In circumstances other than those instances provided for in the Public Safety Employee Involved Major Incident Investigative Manual, all use of force incidents may be the subject of a supervisory investigation and/or a written report when:
 1. Use of force results in an apparent or reported injury;
 2. A non-deadly weapon is used on a person (baton, chemical agent) or a strike or blow is delivered to the body;
 3. A firearm is discharged in the furtherance of the Department's mission, except for firearms training or practice; or when necessary to kill an injured animal as discussed in this policy; or
 4. A supervisor deems a report of the use of force is necessary.
- B. A supervisor will review the specific circumstances of the incident and determine if a report to General Headquarters through the chain of command is needed.
 1. In all use of force incidents required to be reported, the Use of Force After-Action Report will be utilized.
 2. When the incident is minor in nature and the use of force was justified and the level of force used was the most appropriate, the supervisor should document the facts, and a supervisor's report to Headquarters may not be necessary.
 3. The original Use of Force After-Action Report is forwarded through the chain of command to the Office of Professional Standards.

8. Department Review

- A. All reported use of force incidents will be reviewed at the appropriate Department level of authority to determine:
 1. If Department rules, policy, or procedures, were followed;
 2. If the current and relevant rules, policy and procedures were appropriate and effective for the incident; and
 3. If Department training was, and is adequate.

B. Findings of rule or policy violations or training inadequacies shall be forwarded to the proper level of authority for appropriate corrective action and/or resolution.

C. Critical Incident Review Team

1. The Critical Incident Review Team will review all deadly force incidents.
 - a. The purpose of the Critical Incident Review Team is to conduct a meaningful incident review process with the goal of identifying successes and shortcomings and make efforts to replicate or improve performance as appropriate in responding to critical incidents.
2. The review by the Critical Incident Review Team will be separate and independent of any criminal or personnel review of the deadly force incident.
 - a. The Critical Incident Review Team will review whether the rule, policies, or procedures were adequate;
 - b. Whether the tactics, equipment, communications, investigation processes or other relevant issues were/are adequate or appropriate.
3. The Critical Incident Review Team will not have disciplinary responsibility or authority for the incident.
4. The Critical Incident Review Team will be appointed by the Superintendent or designee and be comprised of at least four (4) members to include a sworn trooper/senior trooper, sworn supervisor, sworn representative from the Training Section, and the representative Region Commander or Division Director.
5. The Critical Incident Review Team will prepare a written report of each review. The report will consider but is not limited to:
 - a. The effectiveness of the performance of the Department and its personnel;
 - b. Use of resources;
 - c. Potential problems; and
 - d. Recommendations for needed changes of Department policies, procedures, equipment, training, tactics, supervision or;
 - e. Other relevant matters/issues.
6. The Critical Incident Review Team will complete the review and report within 90 days after closure of the Use of Force After-Action Report and any personnel or criminal review.

D. Administrative Analysis Summary Report and Public Disclosure

1. An annual review and summary analysis of use of force incidents shall be conducted by the Office of Professional Standards.
2. Upon request, the summary shall be made available for public inspection by the Office of Professional Standards.
3. The Training Section will review the annual summary of use of

force incidents to determine if training policies and procedures are adequate. The Training Section shall submit a report describing their findings.

4. Use of force reports shall be retained as required by law.