

TRI-COUNTY MAJOR INCIDENT TEAM MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is between the Deschutes, Crook and Jefferson County Sheriffs and District Attorneys; the Bend, Redmond, Prineville, Madras, Black Butte, Sunriver, and the Oregon State Police.

1. Introduction

The Tri-County Major Incident Team, (Major Incident Team) is hereby created and operated as a function of the intergovernmental entity referred to as Central Oregon Law Enforcement Services (COLES).

2. Purpose

- 2.1 It is self-evident that the timely assemblage of skilled investigative personnel and necessary material resources, together with a clear delineation of lines of authority and task assignment, will positively effect the outcome of any major incident investigation. It is with this in mind that the Deschutes, Jefferson and Crook County District Attorney's Offices, the Oregon State Police, the Deschutes Jefferson and Crook County Sheriff's Offices, and the Bend, Redmond, Prineville, Warm Springs, Black Butte, Sunriver, Culver, Metolius and Madras Police Departments, enter in the agreement of mutual assistance for major incident investigations.

3. Duration

- 3.1 Memorandum of Understanding will enter into full force and effect as to each Law Enforcement Agency (LEA) upon the signature of that LEA's authorized representative and, unless earlier terminated in accordance with section 11 below, will continue in effect until terminated. This Memorandum of Understanding may be modified by mutual consent of the parties hereto at any time prior to its termination.

4. Definitions

- 4.1 Major Incident Team Command Unit (MIU): The Sheriffs and Chiefs of the COLES Board and the OSP Area Commander who have signed this Memorandum of Understanding. The MIU is responsible for the management and supervision of the Major Incident Team.
- 4.2 LEA: Law enforcement agency.
- 4.3 LEA of Primary Responsibility: Agency in whose jurisdiction the crime occurred, or where the officer involved incident took place.

- 4.4 Resource Coordinator: Individual selected by the MIU whom will be responsible for coordinating deployment, training the Major Incident Team and assisting the Incident Commander.
- 4.5 Assistant Resource Coordinator: Individual selected by the MIU whom will assist the Resource Coordinator in deployment, training the Major Incident Team and assisting the Incident Commander.
- 4.6 District Attorney: Includes the Asst. US Attorney.
- 4.7 Incident Commander: Manages, coordinates and directs the over all operation during a Major Incident Team response.
- 4.8 Scene Supervisor: Supervises the scene of a major incident.
- 4.9 Investigative Supervisor: Assists the Incident Commander regarding investigative matters during a Major Incident Team response.
- 4.10 Lead Investigator: Assists the Investigative Supervisor regarding investigative matters during a Major Incident Team response.

5. Assigned Personnel

- 5.1 Each LEA will assign at least one member to the team.
- 5.2 In cases where less than a maximum commitment is required, the LEA of primary responsibility may utilize a team consisting of fewer investigators. This small team shall consist only of those investigators deemed necessary for the investigation.

6. Activation of Major Incident Team

- 6.1 Upon notification of a homicide, officer involved incident or other criminal investigation deemed appropriate for the Major Incident Team, the LEA of primary responsibility shall:
 - 6.1.1 Assure proper protection of the crime scene until the arrival of the Major Incident Team.
 - 6.1.2 Provide all available assistance as requested by the Major Incident Team.
 - 6.1.3 Provide the District Attorney and the Major Incident Team with copies of all reports involving their participation in the investigation.

- 6.1.4 Assume command of the continuing investigation designating an Incident Commander.
- 6.1.5 Notify the District Attorney and, in the case of a suspected homicide, the Medical Examiner. The District Attorney will assign an attorney to work with the LEA and the Major Incident Team.
- 6.1.6 Contact the Major Incident Team Resource Coordinator and inform him/her of the nature of the incident and the specific resources and/or investigative assistance required, and the location to which they are to report.
- 6.2 The Resource Coordinator shall notify the respective investigative supervisors or commanders of each agency from which resources are requested and inform them of the specifics of the call out and confirm the availability for investigators to respond. Agency supervisors will assign investigators in accordance with the provisions of this agreement.
- 6.3 Members of the Major Incident Team who are not with the LEA of primary responsibility shall be responsible to the Major Incident Team for seventy-two hours from the time the team is formed and thereafter, as approved by their department heads.

7. LEA of Primary Responsibility:

- 7.1 Each LEA shall be responsible for the expenses incurred by its own members.
- 7.2 Expenses incurred in the ordinary and necessary course of investigation shall be borne by the LEA of primary responsibility (excluding overtime for other LEA members).
- 7.3 In all investigations regarding crimes committed inside the city limits, the city police department shall be the LEA of primary responsibility.
- 7.4 In all investigations regarding crimes committed outside the city limits, the LEA, which receives the initial call (i.e., Oregon State Police or County Sheriff's Office), shall be the LEA of primary responsibility.
- 7.5 An agency with jurisdictional authority where an officer involved incident takes place shall be the LEA of primary responsibility in all investigations regarding Major Incident Team responses to officer involved incidents. The LEA of primary responsibility shall ensure that at least one officer not

from a parent agency of involved officer(s) is assigned to the investigation.

8. Operational Guidelines

- 8.1 The LEA of primary responsibility shall designate one member of the Major Incident Team to be an Incident Commander. All of the investigative activities of the Major Incident Team shall be directed and coordinated by that individual with the assistance of the Resource Coordinator.
 - 8.1.1 The Incident Commander shall be responsible each day for seeing that the team is operational, for a debriefing of the previous day's activities and for a briefing of the coming day's activities and team member's assignments.
 - 8.1.2 The Incident Commander's primary responsibility is direction and coordination of the investigation. It is imperative that the Incident Commander remains available to direct Major Incident Team members, most commonly this will be accomplished when the Incident Commander staffs the Command Post established for the incident.
- 8.2 The Incident Commander may designate a Scene Supervisor for any scene(s) associated with the incident. The primary responsibility of the scene supervisor is to ensure the proper scene security and the proper processing of an incident scene(s). It is imperative that the Scene Supervisor remain on the scene of the incident until all processing can be completed or to find a replacement in event of any absences.
- 8.3 The Incident Commander may designate an Investigative Supervisor to assist him/her in investigative matters during a Major Incident Team response. The Investigative Supervisor should have more flexibility to respond to scenes, supervise interviews and actively participate in facets of an investigation than the Incident Commander.
- 8.4 The Incident Commander/Investigative Supervisor may designate a Lead Investigator during a Major Incident Team response. The primary responsibility of the Lead Investigator is to be a focal point regarding investigative information gained during an investigation and be the primary contact for the District Attorney throughout the duration of the investigation.
- 8.5 All reports will be submitted to the Investigative Supervisor who will ensure proper processing.

- 8.6 The LEA of primary responsibility shall provide for storage and control of all evidence in compliance with their established property control procedures.
- 8.7 All press releases prior to the arraignment of any arrested suspects, shall be the responsibility of the LEA of primary responsibility after conferring with the District Attorney or his designee. Once an arrestee has been arraigned, press releases will be the responsibility of the District Attorney, after conferring with the LEA of primary responsibility.
- 8.8 At the conclusion of a Major Incident Team investigation, the Incident Commander shall ensure that adequate time is allotted for a full critique of the team's operational effectiveness. The critiques shall be held in private and shall be attended only by investigators or other personnel who were actively involved in the investigation.
- 8.8.1 If any item of significance is found as a result of the critique, the Incident Commander shall submit an after-action report to his LEA head within thirty days of the critique. Such reports shall be distributed to the MIU.
- 8.9 After adjudication regarding an incident investigated by the Major Incident Team, the Incident Commander and the Resource Coordinator should debrief members of the entire team regarding the team's operational effectiveness. The goal of the debriefing is to use the incident response as a training tool for team members.
- 8.10 Personnel investigations and discipline shall be handled as set out in the COLES bylaws, Section XVI, Investigations. In addition, an employee may be removed from the Team for any reason at the discretion of the MIU or the involved employee's LEA head.

9. Conflicts

- 9.1 In any situation that is not addressed in the Memorandum of Understanding, assigned personnel will adhere to their LEA procedural manual, if it is addressed therein.

10. Liberal Construction

- 10.1 The provisions of this Memorandum of Understanding shall be liberally construed to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public welfare, safety and convenience of the undersigned political entities.

11. Termination of Agreement

11.1 Any party may withdraw from this Memorandum of Understanding at any time by giving thirty days prior written notice to the other parties of its intent to withdraw from the Memorandum of Understanding.

12. Entire Agreement

12.1 This Memorandum of Understanding embodies the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein. The Memorandum of Understanding supersedes all prior communications, representations or agreements, either verbal or written, between the parties.

12.2 This protocol represents an agreement among participating law enforcement within Deschutes, Jefferson and Crook Counties concerning the manner in which officer involved use of deadly physical force incidents are investigated. It is anticipated that each incident will involve unique circumstances and flexibility is allowed for minor modifications during the course of the investigation. This protocol is neither a statute, ordinance, nor regulation and is not intended to increase the civil or criminal liability of member agencies or their employees and it shall not be construed as creating any mandatory obligations to, or on behalf of, third parties.

Jefferson County Sheriff's Office Operations Manual

Subject: **Use Of Force**

Approved: **Jack E. Jones
Sheriff**

Effective Date: **01-01-04**

Number: **5.01**

Accreditation Reference:

I. PURPOSE

The purpose of this policy is to provide Deputies with guidelines on the use of deadly and non-deadly force.

II. POLICY

The Jefferson County Sheriff's Office recognizes and respects the value and special integrity of each human life. In vesting Deputies with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Because a Deputy's duties often present situations in which the use of force, including deadly force, may be necessary, the law and Sheriff's Office policy authorize the use of such force in certain circumstances and require that the Deputy be armed while on regular duty. It is the policy of this Sheriff's Office that use of force by its members be:

- Justified under applicable state law;
- Consistent with the more specific policies which follow;
- Professionally accomplished according to approved training and with approved equipment, unless a weapon of necessity is employed based on unusual circumstances;
- In all cases used to accomplish a legitimate tactical objective;
- Limited to that degree and duration which the Deputy reasonably believes necessary to accomplish that objective; and
- Applied by the Deputy and reviewed by the Sheriff's Office based upon those facts which are reasonably believed by the Deputy at the time, applying legal requirements, Sheriff's Office policy, and approved training to those facts. Facts later discovered, but unknown to the Deputy at the time, can neither justify nor condemn a Deputy's decision to use force.

Therefore, it is the policy of this Sheriff's Office that Deputies shall use only that force which is reasonably necessary to effectively bring an incident under control, while protecting the lives of the Deputy and others. Only after receiving and

demonstrating their understanding of this directive will sworn personnel be authorized to employ any use of force, or carry any firearm/weapon.

III. DEFINITIONS

Deadly force: Any use of force that, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

Less Lethal force: Any use of force other than that which is considered deadly force.

Force Continuum: A graphic description of the escalation/de-escalation of force used by personnel in response to actions taken by a suspect or offender. The continuum illustrates the legal duty of a Deputy to use only reasonable force in response to the threat perceived by the Deputy. (Illustrated on 5.01-13)

IV. FORCE CONTINUUM

A. The Force Continuum Components

The Force Continuum is divided into six specific component parts:

- ☐ Threat Assessment;
- ☐ Considerations of Force Escalation;
- ☐ Levels of Resistance;
- ☐ Levels of Force;
- ☐ Justification; and
- ☐ Control Techniques.

B. Threat Assessment

Every situation contains impact factors, which define the threat assessment. The Deputy must continuously Assess, Plan, and Act. The term "threat" is used to describe any person or animal capable of causing physical injury, serious physical injury or death. The threat must exhibit intent, means and opportunity to justify the use of force.

C. Considerations Of Force Escalation

The Deputy must select the most reasonable option relative to the situation, taking into account:

1. The totality of the circumstances.

2. If the Threat had the opportunity to comply with the Deputy's commands, or if commands were even possible and appropriate.
3. If the current course of action is achieving control or compliance.
4. If the option selected warrants the risk of injury to the Deputy, others or the Threat.

D. Levels Of Resistance

1. Static

The Threat refused to comply with verbal commands by balking, becoming dead weight, or grasping a solid object.

2. Active

The Threat physically resists the Deputy's verbal commands and/or attempts to gain physical control by means such as pulling away, attempting to run or escape, or powering through a control hold.

3. Ominous

The Threat demonstrates the willingness to engage in combat through verbal challenge, threats, aggressive behavior or attempts to attack or attacks by means such as bites, pushes, strikes during the contact or attempted control.

4. Lethal

The Threat possesses both the intent and the means to inflict serious physical injury or death. The means can be with a weapon or empty-handed.

Example: The Threat uses a deadly weapon (handgun, knife, shank) or a dangerous weapon (lead pipe, broken bottle, tire iron, hammer) to inflict or attempt serious physical injury. Or the Threat inflicts serious injury through superior size, strength or combative skill.

E. Levels Of Force

A Deputy employing force against any person(s) or animal(s) may continue that application until the resistance or threat that caused the Deputy to take the action has been stopped or controlled. The levels of force and the circumstances under which they may be used, beginning with the least and escalating up the scale to deadly physical force are:

1. ***Presence***

The Deputy has an expectation that inappropriate behavior will stop as the Deputy properly identifies his/her authority.

2. ***Verbal commands*** (tactical communications)

The questioning of a subject, the attempt to persuade a subject, or giving a direct order to a subject.

3. ***Physical Contact***

Directing a subject by touch, directional contact or controlling a subject with an escort hold.

4. ***Physical Control***

Use of O/C Restraints, pressure points, joint manipulation techniques, electric stun device, physical control holds, digital control, hair takedown, use of physical restraints such as handcuffs.

5. ***Serious Physical Control***

Use of focused blows, impact weapons, chemical weapons (CN/CS), neck restraint and canines.

6. ***Deadly force***

Any force capable of causing serious physical injury or death.

F. Justification

1. Levels of force that may be applied vary and in most situations may be affected by the Deputy's training, experience, and the information and circumstances known to the Deputy at the time. When dealing with suspects and offenders, Deputy's shall attempt to apply the Force Continuum, starting at the lowest appropriate level.

2. The mere presence of uniformed personnel may be enough to control a suspect/offender's actions. Should aggression or resistance escalate, Deputy's should respond with the level of force appropriate to control the situation. If during a situation a suspect's resistance de-escalates, Deputy's should decrease the level of force to an appropriate level to maintain control.

3. If control is lost, the Deputy may escalate to the level of force necessary to regain and maintain control, or consider disengaging as a tactical option. Some situations encountered may not be controllable with on-site assets. If further escalation of the force

continuum would not be warranted, and continued contact may result in unacceptable risk to the Deputy(s) or others, disengagement may be exercised as the most proper option until the situation can be properly addressed.

5. It is important to recognize that a situation may require a Deputy to start at the highest level or to pass over levels due to suspect actions. By properly applying the Continuum of Force concept, Deputy's will respond lawfully by using only *the force that is reasonable and necessary to control a situation*.

G. Control Techniques

1. Verbal Command

In the majority of situations requiring intervention the Deputy's verbal command is the only force necessary. The Deputy's confidence, tone of voice and attitude, the clarity of directions, and choice of words are factors, which bear on the effectiveness of a verbal command.

2. Physical Control

If the use of a verbal command is not effective, or is not likely to be effective in controlling an individual, a Deputy may need to resort to the next level of force, which is the use of physical control or an aerosol subject restraint or electric stun device. When using physical control, the Deputy may only use that force necessary to control the individual. This force may range from a gentle but firm hold of a person's arm to the use of escort/control holds. Once a person complies, the force used is reduced in proportion to the compliance and is maintained at a level necessary to maintain control.

If an Deputy is unable (or if the Deputy believes he/she will be unable) to control a subject by use of physical controls, the Deputy is justified in using a higher level of force, or prior to making any physical contact, may opt to use an aerosol restraint or electric stun device where there is a likelihood of injury to the Deputy or any other person.

3. O/C Restraints (Oleoresin Capsicum) or Chemical Agents

The use of O/C restraints to control a person who is resisting arrest or is otherwise combative is authorized when resistance or threats of violence represents potential escalation of necessary force and Deputy's fear potential injuries to the Deputy(s), the arrestee, or others present. When utilizing chemical agents or O/C restraints, Deputies might be affected to a greater degree than the person who is resisting.

4. Electric Stun Devices

The use of an electric stun device to control a person who is resisting arrest or is otherwise combative is authorized when resistance or threats of violence represents potential escalation of necessary force and Deputy's fear potential injuries to the Deputy(s), the arrestee, or others present. When utilizing electric stun devices, Deputies may have a limited period of time to gain control of the threat.

5. Impact Weapons

The baton is a defensive weapon designed for blocking, jabbing, and striking. The use of the baton is proper to overcome force of resistance and to control. Flashlights are not typically deemed as impact weapons, however can be used for the purpose of blocking, jabbing and striking if necessary and as per the sheriff's Office training. If flashlights are used they will and do fall under the same level of force as impact weapons.

6. Deadly Physical Force

No action on the part of a Deputy can have more far-reaching consequences for the Deputy, Sheriff's Office and community than the use of deadly physical force. Deadly physical force, therefore, can only be justified in the protection of the Deputy or another from serious physical injury or death or to prevent the escape of a fleeing felon whom the Deputy has probable cause to believe will pose a significant and immediate threat to human life should escape occur.

V. USE OF REASONABLE PHYSICAL FORCE

Deputies are permitted to use only that force, which he/she reasonably believes, is necessary to protect others or themselves from bodily harm or to effect any other lawful action. The Deputy's authority to use physical force is provided for under ORS 161.235 and this policy is intended to conform to the provisions of this statute.

A. Less Lethal Force

Every use of force carries the risk that some injury or even death may result, even though the type of force used is not categorized as "deadly" force. The goal in every use of less lethal force is to gain control over the action of the person in order to take and maintain custody, overcome resistance to arrest, prevent the immediate commission of dangerous or criminal acts, prevent injury to the Deputy or others, or a combination of those objectives. Once the goal is achieved, further use of physical force must be discontinued. Until that goal is achieved, the level and extent of force used must be limited to that which is reasonably believed necessary

by the Deputy to achieve the goal.

B. Deadly Force

When circumstances justify the use of deadly force, the unavoidable risk is that someone will be killed or seriously injured. Although a Deputy has no specific intent or desire to kill the person, death may be the result. Circumstances justifying the use of deadly force often happen quickly in situations of great physical and mental stress. It is rarely possible for the Deputy to direct the use of deadly force to a nonfatal area of the threat. The goal in using deadly force is neither to kill nor to wound without killing. It is simply and exclusively to incapacitate the Threat to produce voluntary surrender or render that person or animal incapable of continuing the dangerous conduct which justified the use of deadly force in the first place.

Where deadly force is justified, a Deputy may continue its use until satisfied the goal has been achieved. The Deputy must then discontinue its use. Deputy safety and the safety of persons other than the Threat must be a continuing consideration to the Deputy using deadly force.

VI. GUIDELINES GOVERNING THE USE OF FORCE

While the use of force may be necessary in situations, which cannot be otherwise controlled, force may not be used unless other reasonable alternatives have been exhausted or would be ineffective under the particular circumstances.

A. Reasonableness

The unnecessary or excessive use of force against any person or animal is prohibited. What may be reasonable force under one set of circumstances may be unreasonable force under a different, though similar, set of circumstances.

B. Medical Treatment

Appropriate medical treatment will be made available for any person injured as a result of an Deputy's use of force, and will be provided by Deputies, ambulance or emergency medical staff, and/or hospital personnel when:

- ☐ Persons subjected to irritants such as oleoresin capsicum (O/C), shall have the affected areas flushed with water as soon as safe and practical, utilizing the eye wash and flush equipment furnished in the patrol cars, Sheriff's Office, or correctional facility.

- ☐ Persons subjects to electric stun devices such as the M26 Advanced Taser and have deployed probes in vital areas such as the groin, face or breasts, shall be transported to the hospital emergency room

to have the probes removed. All other non-vital areas will be removed that the jail.

- ☐ All physical injuries shall be promptly treated as soon as safe and practical by trained medical personnel. Any injuries other than minor bruises, cuts or abrasions shall be examined and treated by qualified medical personnel.
- ☐ Any person in custody reasonably alleging to have been injured by a Deputy shall be transported to the hospital for examination and/or treatment.
- ☐ Trained medical personnel will examine a person losing consciousness as a result of a use of force.

VII. GUIDELINES GOVERNING THE USE OF DEADLY FORCE

These guidelines re-state legal principles of justification for the use of force, which are represented by the Force Continuum. Deputies are directed by these general guidelines:

A. Deadly Force Warning

Wherever practical under the circumstances, a Deputy shall give some warning before using deadly force; an example might be; "Sheriff's Office, Drop the Weapon or I'll shoot!" However, warning shots from firearms are strictly prohibited.

B. Use Of Deadly Force

Deadly force will be used only for the protection of life or the prevention of serious bodily injury or to prevent the escape of a fleeing felon whom the Deputy has probable cause to believe will pose a significant and immediate threat to human life should escape occur. (ORS 161.239, 161.235)

C. Exhaust Reasonable Means

Reasonable and practical attempts for protection or apprehension will be exhausted before using deadly force. Reasonableness and practicality are to be judged based upon the circumstances, which actually exist and are perceived by the Deputy at the time and at the place that deadly force is used.

D. Safety Of Bystanders

The use of any weapon must be done with proper regard for the safety of bystanders or other people in the immediate area.

E. Deputy Discretion

Even when a Deputy may be permitted to use deadly force, the Deputy may refrain from doing so if he/she believes the use of such force is inadvisable under the particular circumstances.

F. Decision To Display Firearms

A Deputy's decision to draw or exhibit a firearm shall be based on the tactical situation and the Deputy's reasonable belief there is a substantial risk the situation may escalate to the point where deadly force may be justified. When a Deputy determines the use of deadly force is not necessary, the Deputy should, as soon as practical, secure or holster the firearm. These judgments are matters committed to the discretion of the Deputy in each instance and will be documented in the Deputy's incident report. The Deputy must decide what actions are necessary in order to maintain control.

G. Justification On The Use Of Deadly Force

1. A Deputy may not use deadly force simply to arrest or prevent the escape of persons committing a crime. The only exception is if any such felons present an immediate threat to the life of a Deputy or another person, should their immediate apprehension not be made.
2. A Deputy is authorized to employ deadly force whenever the Deputy reasonably believes there is no reasonable alternative under the following circumstances:
 - a. The crime committed by the person was a felony an attempt to commit a felony involving the use or threatened imminent use of deadly physical force against a person;
 - b. The crime committed by the person was Kidnapping, Arson, Escape in the First Degree, Burglary in the First Degree or any attempt to commit such crime;
 - c. Regardless of the particular offense, which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the Deputy or another person from use or threatened imminent use of deadly physical force;
 - d. The crime committed by the person was a felony or an attempt to commit a felony and under the totality of the circumstances existing at the time and place, the use of such force is necessary;
 - e. The Deputies' life or personal safety is endangered in the particular circumstances involved.
 - f. A Deputy employed in the Corrections Division, is justified in using physical force including deadly physical force when and

to the extent that the deputy reasonably believes it is necessary to prevent the escape of a prisoner from the correctional facility as defined by ORS 162.135 (2).

VIII. REPORTING THE USE OF FORCE

Whenever a Deputy must employ an amount of force capable of causing injury, a case number will be assigned to the incident. If that force is employed in the course of effecting an arrest, overcoming resistance, or controlling a dangerous situation (assault), appropriate criminal allegations should be charged against the suspect as soon as practicable. This section, VIII, also applies anytime a member discharges a firearm, other than in training or for lawful recreational purposes.

A. Involved Deputies

The Deputy(s) involved in the use of less lethal force and any other Deputy notified by a supervisor shall report the use of less lethal force in the narrative section of a written report when:

1. Any injury is apparent or alleged to an Deputy or citizen;
2. Medical treatment is required or requested;
3. When a less lethal weapon is used on a person or animal.
4. The force used relates to a criminal charge, irrespective of whether or not the incident results in an arrest.

B. Use of Force Report

1. The incident narrative shall describe in detail:
 - a. The type and level of force used;
 - b. The articulated facts and beliefs observed and held by the Deputy that led the Deputy to decide the level of force used was justified;
 - c. Any and all witnesses;
 - d. The weapon(s) used;
 - e. Injuries and medical care received;
 - f. Details of the altercation; and
 - g. If possible, a copy of medical records shall be attached.

2. The written report shall be submitted by the end of the Deputy's shift unless authorized by a supervisor.
3. The Deputy's immediate supervisor shall complete a "Supervisor's Review" and submit it along with a copy of the written report flagged "Use of Force Review" to the Sheriff or his/her designee for administrative review through the chain of command.
4. Deputies involved in the use of deadly force will not be required to write an incident narrative, even though a case number will be assigned to the incident. Instead, other Deputies will be assigned by the Sheriff or his/her designee to investigate the incident. These investigating law enforcement officers may be from another agency, if the Sheriff decides to ask another agency to conduct the investigation.

C. Incident Review

1. Determinations will be made at each level of the chain of command whether or not all Sheriff's Office guidelines were followed. Each level in the chain of command will recommend actions in regard to those Deputies involved in the use of force incident.
2. The Sheriff, based on the Use of Force Review, may convene an Administrative Hearings Board to examine the use of force incident. Based on the result of the hearing the Sheriff may take appropriate action. The Use of Force Review process will be completed as expeditiously as possible.
3. The Sheriff's Office review shall be based upon those facts, which are reasonably believed by the Deputy at the time, applying legal requirements, Sheriff's Office policy and procedures, and approved training to those facts. Facts later discovered, but unknown to the Deputy at the time, can neither justify nor condemn a Deputy's decision regarding use of force.
4. The Operations Captain will complete an annual report and review 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 Sheriff's Office policy and/or training needs.

WARNING

This directive is for Sheriff's Office use only and does not apply in any criminal or civil proceeding. The Sheriff's Office policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for Sheriff's Official administrative sanctions.

Jefferson County Sheriff's Office Operations Manual	
Subject: Deputy Involved Use Of Force Investigation	Approved: Jack E. Jones Sheriff
Effective Date: 01-01-04	Number: 7.09
Accreditation Reference: 1.6, 1.7	

I. PURPOSE

The purpose of this policy is to define responsibilities related to a Deputy's use of physical force. Additionally, this procedure is intended to minimize additional trauma to a Deputy involved in the use of deadly force by clearly detailing post incident actions, which will be taken.

II. POLICY

Law enforcement duties can often expose Deputies and support personnel to mentally painful and highly stressful situations that may forever substantially affect the lives of those involved, both Sheriff's Office members and citizens alike. It is the policy of the Jefferson County Sheriff's Office to provide clear guidelines to assist all personnel in carrying out their duties, immediately following as well as at later times, in dealing with the stressful situation of a Deputy's use of deadly force.

III. PROCEDURES

A. Investigations

The parties recognize that it is critical for the Sheriff's Office to investigate instances regarding the use of force. In such cases, the Sheriff's Office may have to carry out three (3) separate investigations, which are:

- a. An internal investigation to see if procedures were violated;
- b. An investigation to determine the incident will cause any civil liability for the Sheriff's Office; and
- c. An investigation as to whether criminal laws of the state were violated.

The Sheriff's Office recognizes the potential for extreme stress for the Deputy(s) involved in a use of force incident. Use of force incidents are highly traumatic, and if not handled properly can cause a Deputy's career to end prematurely, often within five (5) years of the incident. The Deputy(s) involved in such incidents need access to adequate assistance and/or treatment for the stress involved. In the mutual interest of the Sheriff's Office and individual Deputies involved, the Sheriff's Office will attempt to obtain the

information it requires in a manner that recognizes the stressful nature of these incidents and also minimizes the deleterious effects upon the subject Deputy's career.

B. Training

The parties recognize that adequate training is critical for preventing unnecessary use of force and for minimizing the impact on a Deputy who is involved in a situation where force must be used. The Sheriff's Office will provide adequate training in this area, including training Deputies how to respond in critical situations and how to deal with problems that result from being involved in a critical incident.

C. Procedures

Any time an incident occurs that results in death or serious injury due to a Deputy's use of force, the following will apply:

1. Upon arrival at a scene where use of force, as applied herein, has taken place, representatives of the Sheriff's Office shall request from the Deputy only that information needed to secure the scene and to follow-up and apprehend any perpetrators of the crime who may be at large. The Sheriff's Office will not immediately question the Deputy(s) regarding the incident. The Deputy involved in the incident will have the right to be allowed immediate access to any of the following:
 - a. Their spouse;
 - b. The Union attorney and/or the attorney's agents;
 - c. Union representative;
 - d. The Deputy's personal attorney; and
 - e. Doctors, psychologists, psychotherapists, or ministers, depending upon the Deputy's choice.

The Sheriff's Office will encourage the Deputy to access any of the above-listed persons and will contact those persons telephonically when the Deputy so requests. Any discussions about the incident that the Deputy has with the above-referenced parties shall be confidential.

2. The Sheriff's Office will conduct a thorough and competent investigation of the incident, including using the appropriate techniques for preservation of the scene, if relevant. At the conclusion, all reports and findings from this investigation will be made available to the Union immediately upon request. If the Sheriff's Office must preserve a chain of custody for the weapon or weapons utilized in the incident, the Deputy(s) will be immediately issued replacement weapons, unless it is clearly inappropriate to do so.
3. The Sheriff's Office will assign a supervisor or employee to

interview the Deputy. This person will be trained in the appropriate techniques for interviewing Deputies who have been involved in critical instances involving use of force. If there are multiple investigators assigned because of the concurrent investigations, the investigators will coordinate their efforts so that one investigator will be primarily responsible for the interview. Every attempt will be made to minimize the need for successive interviews.

4. The interview of the Deputy involved in a critical situation will be done under circumstances intended to minimize the traumatic affect of the interview on the Deputy. The interviews will not be conducted in a coercive or intimidating manner, the Deputies will be given reasonable breaks and preparation time, and allowed, upon request, to have any of the persons listed in Section C(1) of this policy present during the interview. At the Deputy's request the interview will be postponed until after the Deputy has been able to seek professional representation and/or counseling. In addition, the Deputy will not be required to write a report; any report on the incident will be the responsibility of the interviewing supervisor.
 5. At the request of the Deputy, or the option of the Sheriff's Office, the Deputy will be placed on administrative duty and/or assigned responsibilities in training or other administrative areas to be agreed upon by the Deputy and the Sheriff's Office.
 6. While on administrative assignment, the Deputy will have access to the Employee Assistance Program and/or the Deputy's choice of counselors or doctors without loss of pay or benefits.
 7. When either the Deputy or the Sheriff's Office believes that the Deputy should return to regular assignment, at the Sheriff's Office's option the Deputy will provide a letter from his treating counselor or doctor indicating that the Deputy is ready to return to his regular duties or to modified duties. The Sheriff's Office at its option may request an independent medical exam, which will be paid for by the Sheriff's Office. In either case the only information that will be released to the Sheriff's Office is the doctor's conclusions regarding the Deputy's fitness for duty. All information gained by the doctor will be confidential.
 8. If a Deputy is unable to return to work in a reasonable period of time, the Deputy may be placed on disability leave. Such leave may be covered by worker's compensation.
 9. After returning to duty, the Deputy will be encourage to utilize, and allowed full access to, counselors or the EAP without loss of pay to the Deputy while participating in the program.
- D. This Use of Force Policy will be incorporated, verbatim, into the Policy and Procedures manual.

IV. ADMINISTRATIVE LEAVE

Under III, C, 5, in the above reference, the Sheriff's Office will always choose to place an Deputy from line duty assignment to administrative duty assignment any time an Deputy is involved in an incident that results in the death of another person due to the Deputies use of force.

- A. The administrative duty assignment will begin with the Deputy being placed on paid administrative leave for the next two shifts the Deputy is scheduled to work. This period may be extended by mutual agreement between the Deputy and the Sheriff.
- B. After the paid administrative leave assignment, the Deputy will return to work to a administrative duty assignment as agreed to above in III, C, 5.
- C. Return to normal line assignment duties is outlined in III, C, 7 in the above reference.
- D. If the use of force that resulted in the death of another was the result of an Deputy employing a weapon, the Deputy shall be required to again qualify with his/her issued weapon before resuming line duty assignment.

CHAPTER 13. PHYSICAL FORCE, DEADLY FORCE AND FIREARMS

13.00.00 PURPOSE. The purpose of this policy is to provide officers with a single source of reference on the use of physical force and deadly force. For the purposes of this directive, "deadly force" means the use of a weapon that under the circumstances in which it is used is readily capable of causing death or serious physical injury.

13.01.00 POLICY. All employees who are authorized to carry weapons shall become familiar with the following guidelines and procedures regarding the use of physical force, and the proper use of deadly force, use of firearms and maintenance of firearms, impact and restraint equipment and aerosol subject restraint/Oleoresin Capsicum.

13.01.01 CONTINUUM OF FORCE DEFINED. The Continuum of Force is a graphic description of the escalation and de-escalation of force used by police personnel in response to actions taken by a suspect or offender. It serves to illustrate the legal duty of an officer to use only reasonable force in response to the threat reasonably perceived by the officer.

A. Levels of Force. The Force Continuum is divided into six specific component parts: 1) Threat Assessment, 2) Considerations of Force Escalation, 3) Levels of Resistance, 4) Levels of Force, 5) Justification, and 6) Control Techniques. The above listed component parts are explained in greater detail below.

1. **THREAT ASSESSMENT.** The term "threat" is used to describe any person capable of causing physical injury, serious physical injury or death. The threat must exhibit the following elements to justify the use of force:

- a. Intent.
- b. Means.
- c. Opportunity.

2. **CONSIDERATIONS OF FORCE ESCALATION.**

- a. The totality of the circumstances.
- b. Has the Threat had the opportunity to comply with your commands, if commands were possible and appropriate.
- c. Is the current course of action achieving control or compliance?
- d. Does the Threat warrant the risk of injury to yourself or the Threat?

3. **LEVELS OF RESISTANCE.**

- a. **STATIC.** The Threat refused to comply with commands by continuing to possess a weapon in a non-threatening way balking, becoming dead weight, or grasping a solid object.
- b. **ACTIVE.** The Threat physically resists the officer's verbal commands and/or attempts to gain physical control by pulling away, attempting to run, or powering through a control hold, or holding a weapon when commanded to drop it.
- c. **OMINOUS.** The Threat demonstrates the willingness to engage in combat through verbal challenge, threats and/or aggressive behavior.
- d. **LETHAL.** The Threat possesses both the intent and the means to inflict serious physical injury or death. The means can be with a weapon or empty handed. Example: The Threat uses a deadly weapon (handgun, knife) or a dangerous weapon (lead pipe, broken bottle, tire iron) to inflict or attempt serious physical injury. Or the Threat inflicts serious injury through superior size, strength or combative skill.

4. **LEVELS OF FORCE.**

- a. **PRESENCE.** The officer has an expectation inappropriate behavior will stop at the officer's arrival and display of uniform or police credentials.
- b. **VERBAL COMMANDS.** The questioning of a subject, the attempt to persuade a subject, or giving a direct order to a subject.
- c. **PHYSICAL CONTACT.** Directing a subject by touch, or controlling a subject with an escort hold.
- d. **PHYSICAL CONTROL HOLDS.** Use of pressure points, joint manipulation techniques, or physical control holds.
- e. **SERIOUS PHYSICAL CONTROL.** Use of chemical weapons and electronic stun devices, focused blows, impact weapons, and the carotid restraint.
- f. **DEADLY FORCE.** Any force capable of causing serious physical injury or death.

5. BASIC PRINCIPLES OF JUSTIFICATION.

- a. If the level of force is justified, the implement (or delivery system) used is of no significance.
- b. If the level of force is justified, the degree of injury the Threat may sustain is of no significance.
- c. The Threat always dictates the degree of force to be used. Therefore, the Threat is responsible for any injury the Threat may incur while resisting.
- d. It is incumbent on the officer to overcome the Threat's resistance as quickly as possible to control the Threat and the situation.

6. CONTROL TECHNIQUES. Members should maintain proficiency in the following techniques:

- a. CONTROL HOLDS/TAKEDOWNS. Physical control through application of compliance holds or takedowns to control the threat on the ground. Proper use of Kubotan or similar device and aerosol subject restraint, i.e., Oleoresin Capsicum.
- b. RESTRAINTS. Chain or hinge metallic handcuffs, flex ties, leg hobble straps/cords, velcro/nylon restraints. Proper use for cooperative handcuffing (standing) and uncooperative handcuffing (kneeling/prone) and high risk handcuffing (felony prone).
- c. SEARCHING. Stop and Frisk, cursory check for weapons, handcuffed standing, kneeling and prone.
- d. BATON. Straight baton and expandable steel baton. Proper use of flashlight as a defensive tool.
- e. BLOCKS, STANCES, AND STRIKES. Closed fist/open hand blocks, interview stance, combat stance, closed fist strikes, open hand strikes, front kick, angle kick, rear kick, knee and elbow strikes.
- f. PERSONAL DEFENSE. Defenses against: body holds, chokes, head lock, grabs and handgun retention and disarming techniques. Proper use of handcuffs as a defensive weapon. Evasive tactics and techniques for knives and other edged weapon threats.
- g. Full nelson, and disarming and handgun retention techniques.

- h. CUSTODY AND TRANSPORTATION. Removal of a Threat from the suspect vehicle, placing of a Threat in a patrol vehicle, and removal of a combatant from a patrol vehicle.

B. Procedures. When dealing with suspects and offenders, officers should attempt to apply the Force Continuum, starting at the lowest appropriate level. The mere presence of uniformed police personnel may be enough to control a suspect's actions. Should aggression or resistance escalate, then officers should respond with the level of force appropriate to control the situation. If during a situation suspect resistance de-escalates, then officers should decrease the level of force to an appropriate level to maintain control. If control is lost, the officer must escalate to the level of force necessary to regain and maintain control. It is important to recognize that a situation may require an officer to start at the highest level, or to skip levels due to suspect actions. By properly applying the Continuum of Force concept, officers will respond lawfully by using only the force necessary to control a situation.

Levels of force that may be applied and in most situations may be affected by the officer's training, experience, and the information and circumstances known to the officer at the time. The various levels of force and the circumstances under which they may be used, beginning with the least and elevating up the scale to deadly physical force, are illustrated on the chart which follows, and are discussed below.

FORCE CONTINUUM

LEVEL OF FORCE		METHOD OF FORCE	LEVEL OF RESISTANCE	THREAT
VI	DEADLY	ANY FORCE READILY CAPABLE OF CAUSING DEATH OR SERIOUS PHYSICAL INJURY	LETHAL	R E S I S T I V E
V	SERIOUS PHYSICAL CONTROL	IMPACT WEAPONS FOCUSED BLOWS ELECTRICAL STUN MACE (CN/CS)	OMINOUS ACTIVE STATIC	
IV	PHYSICAL CONTROL	HAIR TAKEDOWN JOINT TAKEDOWN DIGITAL CONTROL JOINT COMEALONG PRESSURE POINTS TEMP. RESTRAINTS	O C R E S T R A I N T S	

should consider that the officer utilizing oleoresin capsicum may be affected to a greater degree than the person who is resisting, and that the effect of the oleoresin capsicum on a particular person cannot be predicted.

13.01.05 IMPACT WEAPONS. The baton is a defensive weapon that is designed for blocking, jabbing, and striking. The use of the baton is proper to overcome force of resistance and to control.

The use of the baton is proper to overcome force of resistance to arrest oppression.

All officers are required to carry the Department issued baton and have satisfactorily completed an approved training session regarding the use of the baton. Related training shall be documented in the officer's training file.

13.01.06 RESERVED.

13.01.07 DEADLY PHYSICAL FORCE. No action on the part of a law enforcement officer can have more far-reaching consequences for the officer, Department and community than the use of deadly physical force. Use of deadly physical force is documented at length beginning with Policy 13.03.01.

13.02.00 USE OF PHYSICAL FORCE (POLICY). Officers are confronted daily with situations where control must be exercised to effect arrests and to protect the public's safety. Such control may be achieved through advice, warnings, and persuasion or by the use of reasonable force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would be ineffective under the particular circumstances. Officers are permitted to use only that force which the officer reasonably believes is reasonable and necessary to protect others or themselves from bodily harm. The officers authority to use physical force is provided for under ORS 161.235 and this policy is intended to conform to the provisions of this statute.

13.02.01 REPORTING USE OF PHYSICAL FORCE. Whenever an officer must employ an amount of force capable of causing injury in the course of affecting an arrest, overcoming resistance, or controlling a dangerous situation (assault), appropriate criminal allegations should be charged immediately.

The arresting officer and any other officer notified by a supervisor shall report the use of physical force in the narrative section of a written report when:

- a. Any injury is apparent to either an officer or citizen;
- b. Medical treatment is required or requested;
- c. The force used relates to a criminal charge, i.e., resisting arrest, assault, endangering or harassment.

The incident narrative shall describe the force used. The narrative shall also articulate the facts observed by the officer and the 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 altercation shall be reported in detail. Witnesses shall be listed. If possible, a copy of medical records shall be attached. A copy of the report shall be routed to the Chief of Police.

13.02.02 REGULATIONS GOVERNING USE OF PHYSICAL FORCE. The unnecessary or excessive use of physical force against any person is prohibited. In making an arrest, an officer shall use only such force as is reasonably necessary to secure and detain the offender. What may be reasonable force under one set of circumstances may be unreasonable force under a different, though similar, set of circumstances. Only the nature and amount of force reasonably necessary to accomplish a lawful purpose shall be used. In all cases, such use of physical force shall conform to ORS 161.235 regarding the use of physical force in making an arrest or in preventing an escape.

13.02.03 FLASHLIGHTS. Officers may carry indestructible type flashlights, designed to serve as a flashlight. Such equipment will be subject to approval by the Department. If used as a baton in the absence of an impact weapon, Section 13.02.01 of this shall apply.

13.02.04 AEROSOL SUBJECT RESTRAINTS. Officers may utilize the authorized/department issued oleoresin capsicum aerosol restraint spray following the orientation and training regarding the use, its effects, ingredients, means of delivery and first aid to be administered. Following use of the chemical agent, the subject shall be treated by rinsing the contaminated areas with cool, clean water. Any vehicles or interiors of buildings should be ventilated. Oleoresin capsicum may be used on animals as a deterrent to aggressive behavior when an officer reasonably believes that such aggression may cause injury to the officer or any other person who is present.

Whenever a chemical agent is used, the officer will document the use in an incident report or the report relating to the crime.

13.02.05 RESTRAINTS/HANDCUFFS. Every person taken into custody shall be handcuffed with their hands behind the back, unless such handcuffing is impossible (e.g., an amputee) or impracticable. In such an event, an officer shall use appropriate safeguards to secure the person. These may include the use of flex ties and waist hobbles.

13.02.06 FOLDING KNIVES AND UTILITY TOOLS. Officers may carry knives or Leatherman-type utility tools. Officers shall carry such equipment in one or more of the following ways: (1) in a pouch of color, design and material matching the uniform duty belt or (2) in a pant or shirt pocket or (3) concealed elsewhere on their person. All such equipment, whether departmentally supplied or personally owned, must be approved by the Department.

13.02.07 RESERVED.

13.03.00 USE OF DEADLY PHYSICAL FORCE (POLICY). No action on the part of a law enforcement officer can have more far-reaching consequences than the use of a firearm. As long as members of the public are victims of violent crimes and officers in the performance of their duties can be confronted with life threatening situations, it will remain necessary for the officers to be properly armed for the protection of society and themselves.

Officers are equipped with a firearm to defend themselves and others against deadly force, or threat of imminent deadly force. When a firearm is used by an officer, it must be with the realization that the death of some person may occur.

Officers will not be criticized for the use of deadly force when it is found that such force is justified and necessary based on the facts and circumstances as they reasonably appeared to the officer at the time. Justification for the use of a firearm by an officer is limited to the facts as they reasonably appeared to the officer at the time of the decision to shoot.

The Oregon Revised Statutes cover the Use of Physical Force and Deadly Force. Those dealing with Deadly Physical Force are ORS 161.219 to 161.239. These provide a general framework, and are relevant to the extent they are explained and modified by Tennessee v. Garner. This directive is intended to authorize the use of force to the extent authorized under the United States Constitution and Oregon law.

13.03.01 GENERAL GUIDELINES GOVERNING USE OF DEADLY FORCE.

These guidelines re-state legal principles of justification for the use of force, which are represented by the Use of Force Continuum set forth at Section 13.01.01. Officers shall be directed by the following general guidelines:

- A. Use of Deadly Force. Deadly force will be used only for the protection of life, prevention of serious bodily injury or the apprehension of a person who the officer reasonably believes poses a serious danger to the officer or the public.
- B. Exhaust Reasonable Means. Reasonable and practical attempts for protection or apprehension will be exhausted before using deadly force. Reasonableness and practicality are to be judged based upon the circumstances which actually exist and are known to the officer at the time and place the firearm is used.
- C. Safety of Bystanders. Any discharge of a firearm must be done with proper regard for the safety of bystanders or other people in the immediate area.
- D. Officer Discretion. Even when an officer may be permitted to use deadly force, the officer may refrain from doing so if the officer believes the use of such force is inadvisable under the particular circumstances.
- E. Decision to Display Firearms. An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not necessary, the officer should, as soon as practical, secure or holster the firearm.

These judgments are matters committed to the discretion of the officer in each instance. The officer must decide what actions are necessary in order to maintain control.

- F. Justification on Use of Deadly Force. An officer may not use deadly force simply to arrest or prevent the escape of persons committing a felony crime against property. Example: Deadly force may not be used to apprehend a person fleeing in a stolen vehicle, nor a person fleeing from a Burglary II (typically a commercial establishment), nor a person wanted for felony narcotics offense. The only exception is if any of such felons present immediate threat to the life of an officer or a citizen.

Justification for the use of deadly physical force must be limited to what reasonably appeared to be the facts known or perceived by the officer at the time the officer decided to use deadly physical force. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the officer's action was justified.

13.03.02 SPECIFIC GUIDELINES GOVERNING USE OF DEADLY FORCE.
General guidelines are set out above. Officers are directed by the following specific guidelines:

- A. Use of Deadly Force Authorized. An officer is authorized to employ deadly force whenever it appears to the officer that there is no reasonable alternative under the following circumstances:
1. The officer reasonably believes that the use of deadly force is necessary to protect the officer or any other person from the use or threatened imminent use of deadly physical force;
 2. The officer reasonably believes that the use of deadly physical force is necessary to protect the officer or any other person from death or serious physical injury;
 3. In affecting the arrest or preventing the escape of a person whom the officer reasonably believes committed or attempted to commit a felony involving the use or threatened imminent use of physical force against a person. In such situations, the officer must have a reasonable belief that the use of deadly force is necessary, and all other reasonable alternatives of apprehension or prevention of escape have been exhausted; and
 4. If the officer reasonably believes that the suspect committed or attempted to commit a felony, and such felony is nondangerous in that it does not involve the use or threatened imminent use of physical force, the officer is authorized to employ deadly force to affect an arrest or prevent an escape only if the suspect reasonably poses a significant threat of death or serious physical injury to the officer or others.

5. Before using deadly force to prevent an escape, if feasible, some warning should be given.
- B. Other Authorized Uses of Firearms. An officer is further authorized to discharge a firearm in the performance of the officer's official duties under the following circumstances with supervisor approval:
1. To kill or deter a dangerous animal or, with permission from an on duty supervisor, to kill an animal so badly injured that it should be destroyed to prevent further suffering.
 2. At a firing range pursuant to all safety rules and regulations.
 3. To provide covering fire an officer may discharge firearms in a tactical situation to neutralize the use of deadly physical force by a suspect or suspects that police or other persons can maneuver in safety.
- C. Firing from a Moving Vehicle Prohibited. Officers are prohibited from discharging firearms from a moving vehicle.
- D. Signals Prohibited. Use of deadly force is not authorized as a signal or communication method, for reasons related to safety of bystanders. Discharging a firearm is authorized to disarm, to disable and to stop a perpetrator in order to control a situation which constitutes justification for the use of deadly force, not to communicate a warning or signal.

13.04.00 DISCHARGE OF FIREARMS REPORTS AND INVESTIGATION.

- A. Discharge of Firearms Investigation.
1. The Department will investigate all incidents in which an officer discharges a firearm while acting in the capacity of a police officer, except:
 - a. The discharge of firearms at an approved range target practice or organized shooting matches, or firearms examinations in the furtherance of an investigation;
 - b. The discharge of a firearm for the purpose of killing a dangerous or injured animal as authorized by this directive (a log entry is required, unless in the opinion of the supervisor more documentation is necessary); and
 - c. At the discretion of the Chief of Police, where an outside agency may be requested to assist or conduct a firearms investigation.
- B. Involved Officers Responsibilities.

1. Discharges Generally. Society vests substantial prerogatives in its police. Consequently, every police officer must recognize that a firearms investigation is part of the accountability that is owed to the public. Officers should prepare themselves in advance for the shock of a traumatic incident and the compounding effect of the investigation that follows.

Evidence taken at the scene of or following an officer involved shooting incident could prove critical as corroborating physical evidence in response to subsequent criticism or litigation.

2. Discharges Within the City. Whenever an officer discharges his/her firearms accidentally or intentionally, either on or off duty within the City except under circumstances which are not subject to investigation under Section 13.03.02 (B) (1 and 2), the officer shall immediately:
 - a. Notify the immediate supervisor and the dispatch center of the incident and location;
 - b. Determine the physical condition of any injured person, render first aid when appropriate and request any necessary emergency medical aid;
 - c. Protect the scene, save evidence and protect the weapons for appropriate examination. In any officer involved shooting, it is important that all ammunition casings and the officer's firearm be taken for examination as evidence. Evidence taken at the scene of or following the shooting incident may include powder residue from the officer's body, the officer's clothing and body fluids. Such evidence could prove critical if the officer and the department is later subject to criticism or litigation, since the physical evidence may tend to corroborate an account of how the incident occurred. The officer's property will be replaced as soon as practical.
 - d. As provided in Section 8.04.04, officers involved in significant incidents will detail their actions surrounding the incident in a report prior to leaving work following the incident (unless injured; then the report shall be completed as soon as practical). The report may be written before or following an interview if one is conducted. In appropriate circumstances, the report may be deferred or tape recorded, or the written report of an investigator who interviews the officer may be substituted, as directed by the supervisor. Supervisors shall review the written report and ensure that all relevant issues have been addressed. Where a report is found deficient, it shall be returned with direction to cover additional points.

All other involved officers shall also complete written reports of the incident before going off duty. Reports will contain information regarding the weapons involved, number of shots fired, persons involved, injuries or damage, names of witnesses and other pertinent information. The report should specifically state the facts and circumstances of the occurrence and the observations, apprehensions and underlying details, information and beliefs of the officer which justify the shooting.

- e. The officer involved should not discuss the case with anyone except supervisory and assigned investigative personnel until the initial reports are completed. Thereafter, it is advisable to limit discussion to those who can be supportive of the officer during the time of personal trauma and adjustment such as the City Attorney, a chaplain, psychiatrist and psychologist, immediate family or significant others including other police officers who have been involved in similar incidents. All officers are encouraged to seek professional help in this period of adjustment, which may extend for a prolonged period of time. Refer to Traumatic Incident Policy 5.31.00.

- 3. Discharges Outside the City. Officers who discharge firearms outside the jurisdiction either on or off duty, accidentally or intentionally except as authorized in section 13.03.02(B)(1) and (2) above (or for hunting or target shooting), shall immediately:

- a. Notify the law enforcement agency having jurisdiction and the on-duty supervisor at this department; and
- b. Complete reports as directed by the supervisor.

C. Supervisor Responsibilities.

- 1. Supervisors shall be responsible for command of the scene and complete initial and preliminary investigation of the incident, including the protection of the scene and of all evidence including the officer firearm, and all firearms or weapons involved. When possible, a supervisor shall obtain a brief verbal explanation of what occurred from involved officers in order to be able to guide the on-scene investigation.
- 2. All unauthorized persons, including police officers not required at the scene, will be directed to leave or stay clear of the scene. The scene will be protected until the completion of all investigations. The supervisor shall complete appropriate reports before going off duty. The supervisor at the scene shall have the discretion to direct the officer involved to respond to another location.

3. Supervisors shall notify the District Attorney's office as soon as practical upon learning that an officer involved shooting has resulted in any injury or death to another person. The assistance of the Oregon State Police Crime Laboratory should be requested.
4. Copies of the supervisor's written report shall be submitted to:
 - a. The Chief of Police;
 - b. The assigned investigators; and
 - c. The Firearms Incident Review Board.

D. Responsibilities of the Chief of Police or the Designee.

1. Administrative Leave. The Chief of Police or designee shall, upon completion of the officer's preliminary report of the incident, place on "administrative leave" any officer directly involved in a shooting. This leave shall be without loss of pay or benefits pending the results of the investigation. The assignment to administrative leave shall not be interpreted to imply or indicate that the officer has acted improperly. While on administrative leave, the officer shall remain available for Departmental interviews and statements regarding the incident and shall be subject to recall to duty at any time.
2. Order an Investigation. The Chief of Police shall designate a peace officer to investigate the incident.
 - a. The investigator(s) may be appointed from qualified personnel within the Department, or the Chief of Police may exercise discretion and request that an outside agency assist or conduct the investigation.
 - b. The purpose of the investigation will be to determine whether the officer adhered to State law and Department policy in discharging the firearm.
 - c. Copies of the investigation report shall be submitted to the Chief of Police and the Firearms Incident Review Board.
3. Review the Investigation. Upon completion of the investigation, the Chief of Police may:
 - a. Suspend the officer without pay if criminal charges are filed against the officer;

- b. Suspend the officer pursuant to Chapter 9 pending further investigation of the matter, when the facts available clearly indicate that the officer may be guilty of misconduct, negligence, or recklessness in the use of or discharge of a firearm;
- c. Retain the officer on administrative leave pending a final determination by the Firearms Incident Review Board, as provided in Section 13.05.00;
- d. Direct further investigation.

13.05.00 FIREARMS INCIDENT REVIEW BOARD.

- A. Board Convened. The board may be convened at the direction of the Chief of Police following completion of the investigation.
- B. Board's Charge. The Firearms Incident Review Board shall recommend whether or not the use of a firearm was within the parameters of department policy. The Review Board shall not be concerned with penalties for violations of rules, regulations or procedure.
- C. Board Proceedings.
 - 1. The Review Board shall be composed of one or more supervisors and at least one officer of the same rank as the officer who discharged his/her weapon.
 - 2. All Review Board hearings are confidential and shall be conducted in private.
 - 3. The Review Board shall consider all reports and information concerning the incident and, if necessary, call witnesses.
 - 4. The Review Board will develop findings and, if appropriate, make recommendations to the Chief of Police in the following areas:
 - a. Tactical considerations,
 - b. Training considerations, and
 - c. Quality of supervision.
 - 5. The Review Board shall make one of the following findings:
 - a. The discharge was justified under the provisions of this policy.
 - b. The discharge was not justified under the provisions of this policy.

6. Review Board recommendations will be by majority vote. All findings will be signed by all members of the Review Board, and will indicate whether the Review Board member agreed with or dissented from the recommendation. The Review Board's recommendations shall be submitted to the Chief of Police in a written report.
7. Upon receipt of the Review Board's recommendation the Chief of Police may:
 - a. Reinstatement of the officer to duty if it is determined that the incident was justifiable.
 - b. Request the District Attorney to conduct an inquest of the incident.
 - c. Take disciplinary action if appropriate.

13.06.00 AUTHORIZED FIREARMS. The Department will issue an authorized firearm to any officer as necessary for on-duty use. Officers may carry individually-owned firearms in accordance with the below criteria. Firearms carried by officers will be fully loaded with Department ammunition, kept clean and in good working order.

- A. **Uniform duty firearms** shall be an approved .45, .40, 9mm, .38 Special, or .357 magnum in a double action revolver or semi-automatic pistol. The semi-automatic pistol may be a double action, double action only, or decocker variant, or any of the above combination. The weapon may be a Smith & Wesson, Sig Sauer, Glock, Colt, or Beretta or similar manufacture, as approved by the Chief of Police and Rangemaster. Barrel length may not be less than 3.5 inches and not more than 5 inches. Single action pistols are not authorized for uniform duty.
- B. **Nonuniform duty firearms** shall be an approved .45, 40, 9mm, .38 Special, .357 magnum or .380 double action revolver or semi-automatic pistol of Smith & Wesson, Colt, Sig Sauer, Glock or similar manufacture, or other weapon approved by the Chief of Police in writing.
- C. **Back-up (secondary) duty firearm** may be carried by officers after the firearm has been authorized by the Chief, approved by the Department Rangemaster, and the officer has demonstrated proficiency and safety skills to the designated rangemaster. The second firearm shall be totally concealed and carried in a safe and secure manner. It shall not be visible to public scrutiny and shall not be displayed or used except in emergency situations. Firearms will not be carried in a briefcase or other containers by uniformed personnel.
- D. **Individually owned firearms** carried by any officer on or off duty, shall be approved by the Chief of Police. Written authorization, make, model, type, caliber and serial number shall be kept in the officer's personnel file and the firearms record book.

- E. **Authorized Shotguns** shall be issued. All shotguns shall be loaded and unloaded in a safe and inconspicuous manner. Any shotgun in the possession of an officer will be secured at all times. When the shotgun is in a patrol unit, the operator is responsible for assuring that the weapon is secured in the locked gun rack. An officer will be assigned by the Duty Sergeant the responsibility of coordinating the cleaning of shotguns on a periodic basis. Individual officers are responsible for ensuring the assigned shotgun is operable.
- F. Other duty firearms such as carbines, rifles, or special weapons are subject to approval by the Chief of Police.

13.06.01 OFF-DUTY WEAPONS/FIREARMS. Off-duty members may carry properly concealed upon his/her person an authorized firearm at all times, except under conditions where such would be socially unacceptable or inappropriate in the judgment of the member.

13.06.02 OFF-DUTY AMMUNITION. Only Department approved ammunition will be used in the Department authorized off-duty weapon.

13.07.00 AUTHORIZED AMMUNITION. The purpose of police ammunition is to stop a person engaged in criminal activity that is causing or is about to cause death or imminent serious physical injury to any person. Other than for training or practice, officers shall carry Department issued, factory loaded and unaltered ammunition while carrying a firearm on duty. All officers utilizing other authorized caliber firearms shall furnish, carry and use factory-loaded ammunition approved by the Department while carrying such a firearm (other than for training or practice). Range practice ammunition shall be furnished by the Department. All shotgun ammunition shall be provided by the Department and will be 12 gauge, 2-3/4 inch factory loaded shot shells containing either #00 buckshot or #0 buckshot. Rifle slug shotgun ammunition will also be available for use; however will not be loaded into the shotgun until needed. Reloaded shotgun ammunition is not approved and shall not be carried.

13.07.01 EXCEPTIONS TO AUTHORIZED FIREARMS/AMMUNITION. Officers may submit in writing requests to carry a firearm or ammunition not covered in this directive; however they must have specific authorization in writing from the Chief of Police.

13.07.02 EXTRA DUTY AMMUNITION. All uniformed officers shall carry at least 21 rounds of ammunition in an appropriate magazine or speedloader. All nonuniformed officers shall carry a minimum of one loaded magazine/speedloader for the authorized firearm. Officers may carry additional authorized shotgun or handgun rounds in their briefcases.

13.08.00 MAINTENANCE OF FIREARMS (POLICY). The maintenance of firearms procedure outlined in this directive shall be utilized to review every incident in which a weapon is misused or discharged by an officer in the line of duty regardless of whether the discharge was accidental or intentional or if anyone was injured.

13.09.00 MAINTENANCE AND CERTIFICATION OF FIREARMS. Each officer shall ensure that their authorized firearm(s) is maintained in good working order. Certification of these firearms will occur only after a safety inspection of the weapon(s). The following shall apply to all firearms:

- A. The rangemaster is responsible for assuring that all officers comply with this directive.
- B. Serial numbers of all firearms approved for use will be recorded by the rangemaster (including personal weapons). Before authorization is given to use or carry firearms in an official capacity, serial numbers of those firearm(s) assigned will be placed in the member's training file.
- C. Officers will exercise the utmost caution while in possession of any firearm and will provide maximum security for all firearms in their custody.
- D. Officers will not place any firearms or other weapons in Department facilities, except when the place of storage is locked or under constant personal observation.
- E. Officers shall file a written report with their supervisor immediately following the theft, loss, sale or replacement of a firearm authorized for use by the Department. This report shall include a complete description of such firearm including the serial number and purchaser.
- F. Officers of this Department shall not lend, give or sell any firearm to any person, group or organization that does not have the legal right to possess such firearm.
- G. Officers shall not be authorized to use or carry a firearm in an official capacity unless that firearm has been certified for use by the Department Rangemaster. Certification will only occur following a complete safety inspection. This inspection will occur on a semiannual basis and will be performed by an authorized rangemaster. Firearm certification shall become a part of the employee's training file.
- H. Each officer is responsible for the proper care and cleaning of their firearm(s) to insure they are operational at all times. They will be kept clean, operational and loaded to full capacity while carried in an official capacity. All firearms are subject to inspection by the supervisor on duty, the Department rangemaster, or by the rangemaster, without prior notification. Periodic inspections shall be made by all supervisors responsible for supervising employees authorized to carry firearms. Failure to have firearms in operational order at all times may upon discovery, if the circumstances warrant it, result in disciplinary action being taken against the involved officer.
- I. Officers shall report any damaged or malfunctioning firearms, in writing, to their supervisor. The firearm suspected of having a problem shall be submitted to the

rangemaster for evaluation. All Department issued firearms will be adjusted and repaired at Department expense. Adjustments and repairs shall be made by the Department rangemaster. All personally owned authorized firearms will be adjusted and repaired at the owner's expense by a Department authorized gunsmith. If the owner elects to have the work done by the Department rangemaster, prior approval by the Chief of Police must be obtained.

- J. All authorized firearms shall be inspected by the Department rangemaster for proper functioning at least once annually and the results recorded on the firearms qualifications log, which will be maintained on each firearm, whether office issued or personally owned.
- K. Officers will not alter or adjust (other than sight alignment) any authorized firearm. Such alteration or adjustment shall be done by the Department rangemaster or owner's gunsmith.

13.10.00 SHOTGUN ISSUANCE AND INSPECTION. Each officer going on shift shall obtain a shotgun prior to beginning patrol. When maintenance is being performed on a vehicle other than at city shops, weapons will be removed by the officer on duty and will be secured in the Department armory.

Each officer shall inspect the shotgun issued at the beginning of each shift to ensure that it is loaded, clean and in proper working order. An inspection of the shotgun shall be conducted by the following guidelines:

- A. The shotgun will be inspected outside of any vehicle and building with ammunition removed from the magazine. The shotgun will be checked to ensure it is empty by opening the action.
- B. The shotgun will be checked for cleanliness and functioning. No ammunition will be chambered when doing so.
- C. If there is a functional problem with the shotgun or it needs cleaning, it will be returned to the officer in charge, along with a written explanation of the problem. The officer in charge will then issue the officer another shotgun, if one is available. The officer in charge will then forward the information on the malfunction to the Department rangemaster. The rangemaster will ensure the shotgun is repaired before it is returned to service.
- D. After checking the shotgun, the action will be closed and the magazine will be loaded with Department issued ammunition.

13.10.01 SHOTGUN RECORDS AND MAINTENANCE. The serial number of each Department-owned shotgun will be entered into a log and kept in the armory. Each shotgun will be assigned a control number for accurate accounting.

Each shotgun will be checked once a month by a supervisor or his designee to ensure that the shotgun is clean, being properly cared for, and is functioning properly.

During each Department firearms qualification session a minimum of one third of all department shotguns will be fired to check functional reliability. Any shotgun found to be operating improperly will be repaired before being returned to service.

A record will be maintained each time a shotgun is inspected, cleaned or fired. It will be the responsibility of a supervisor or his designee to ensure that these records are kept up to date.

13.10.02 SHOTGUN SAFETY. At no time will a shotgun be loaded while in the police building except when police action is required. At no time will a shotgun be loaded with a live round in the chamber while it is in a Department vehicle. The shotgun will always be pointed in a safe direction or into clearing barrel while loading or unloading.

13.11.00 SPECIAL PURPOSE FIREARMS. The special purpose firearms presently owned by the Police Department fall under the direct control of the Chief of Police.

13.12.00 FIREARMS PROFICIENCY AND TRAINING. It is the responsibility of every officer to protect life and property. Inherent in such duty is the legal and moral responsibility for each officer to attain the highest degree of proficiency in their use of police firearms. It is the responsibility of the Department to require that officers are well trained in the handling of firearms as well as laws governing their use.

13.12.01 ANNUAL INSTRUCTION. Every officer who carries a firearm(s) shall receive an appropriate amount of in-service training hours per year on the operation, safety, care, cleaning and proper firing procedure and policy on all assigned police firearms. The Training Supervisor shall coordinate such training for all officers including Reserve Officers which shall include, but not limited to:

- A. A review of the Department Firearms Procedure;
- B. A review of the legal aspects of deadly force;
- C. Firearms care and maintenance;
- D. Firearms inspection; and
- E. Training in defensive tactics and officer survival.

Classroom training shall be conducted annually.

13.12.02 DEMONSTRATION OF PROFICIENCY WITH FIREARMS. The following criteria and standards shall apply to all officers authorized to carry firearms:

- A. To minimally qualify with such certified firearm(s) at the time of employment, acquisition or change of duty weapon;
- B. Officers shall not be authorized to use or carry any firearm in an official capacity unless minimum qualification has been demonstrated and documented;
- C. Certification of qualification shall be made in writing by the Rangemaster. This certification shall become a part of the employee's training file;
- D. Failure to achieve minimum qualifications may lead to remedial training and may result in suspension from duty or termination of employment; and
- E. Minimum qualifications to carry a firearm either on or off-duty will be established by the Rangemaster and will be based on the nature of the course.

13.12.03 FIREARMS RANGE QUALIFICATIONS. Every officer that is authorized to carry a firearm will qualify and participate in live firing exercises with the weapon(s), reloading devices and holster(s), which they carry on or off duty. All range rules shall be strictly adhered to by department members.

- A. Duty Firearm. Every authorized officer shall minimally qualify with their duty firearm during each quarter.
- B. Off-Duty Firearm. Every authorized officer shall minimally qualify two times a year with each off-duty firearm.
- C. Shotgun. Every authorized officer shall minimally qualify annually on the use of a Department shotgun.
- D. Other Police Weapons. Each authorized officer shall fire and familiarize him/herself with all other police firearms in the office armory as scheduled by the supervisor or his designee.
- E. Ammunition. Ammunition for mandatory qualifications will be furnished by the Department for Department issued weapons.
- F. Shotgun Familiarization. Officers who have access to shotguns during their normal course of duty will fire a shotgun familiarization course.
- G. Notification. Whenever possible, a minimum of two weeks' written notice will proceed the mandatory qualification and course to be fired.
- H. Course of Fire And Targets. These shall be determined by the rangemaster.

- I. Make-up. Officers unable to participate in a regularly scheduled mandatory qualification will give written notice in advance to their supervisor explaining the reason for their absence. This notice will be reviewed by the supervisor and forwarded to the Chief of Police. If the absence is excused, the officer will be rescheduled for a make-up.
- J. Record Of Training. Record of all training, notices, excuses and make-ups will be maintained by the Department. Appropriate documentation will be placed in the individual officer's training file.

13.12.04 QUALIFICATION. Every officer must achieve minimum proficiency qualification in the prescribed time in order to carry a firearm. Minimum proficiency is a condition of employment for officers who must carry a firearm in the performance of their duties. It will be noted in the officer's training record as "Pass."

13.12.05 FAILURE TO QUALIFY. The training supervisor will notify the Chief of Police of any officer failing to achieve the minimum qualifying score. Any officer unable to achieve the minimum qualifying score required will be assigned additional training within 30 days. The failure to achieve or repeated failure to achieve a minimum qualifying score may be deemed cause for suspension of authorization to carry a weapon, and discipline up to and including termination of employment.

13.12.06 EXCEPTIONS. When personnel who are authorized to carry a firearm are temporarily disabled and require rehabilitative training and are unable to participate in scheduled firearms qualifications, they shall submit a memorandum to the office of the Chief of Police explaining the nature of the disability and requesting a waiver to the qualification requirement until such time as they are again physically capable of qualifying.

13.13.00 FIREARMS RANGE RULES. The following rules shall apply when utilizing the facilities and an approved firearms range:

- A. No officer shall discharge a firearm at the range except with the approval of the rangemaster and/or their supervisor.
- B. All firearms will be unloaded upon arrival at the range. Firearms shall be loaded only upon the command of the rangemaster or the officer in charge of the range.
- C. All officers attending the range shall follow the direction and commands of the rangemaster at all times.
- D. It shall be the discretion of the rangemaster as to the value of the bullet strike on the target and the rangemaster's decision shall be final.
- E. It shall be the discretion of the rangemaster as to the scoring of alibi rounds during qualification.

F. The following safety rules shall apply at all times with NO EXCEPTIONS:

1. Treat all firearms as though they are loaded.
2. Strictest discipline must be maintained. Carelessness cannot and will not be tolerated during firearms training.
3. Immediately on picking up a firearm, open the cylinder or action to check to see that it is unloaded, then check it again.
4. Never give a firearm to or take a firearm from anyone unless the cylinder or action is open.
5. Never anticipate a command.
6. No loaded firearms on the range except on command.
7. Be sure there is no obstruction in the barrel of a firearm before loading.
8. Load only after position is taken at the firing point and the command to load is given.
9. All firearms shall be kept holstered or pointed down range at all times except on command.
10. Unload when and as instructed.
11. Never draw a weapon from the holster or re-holster with the finger in the trigger guard.
12. No smoking on the firing line.
13. No talking on the firing line or to shooters on the firing line, except by instructors.
14. Never permit the muzzle of a firearm to touch the ground.
15. Never let the hammer of a semi-auto weapon down on a live cartridge without placing the thumb in front of the hammer and releasing the trigger, or using the hammer drop lever.
16. In case of a misfire, keep the firearm pointed downrange at least ten seconds before opening the cylinder or action. The cylinder or action should not be opened prior to notifying the Rangemaster.
17. Never fire a succeeding shot after a malfunction without first unloading and receiving permission from the Rangemaster.

18. Never leave the firing point without first unloading your firearm and receiving permission from the Rangemaster.
19. Never go in front of the line of fire unless the firing line has been cleared and the command is given to go forward.
20. No "Dry Fire" unless approved by the Rangemaster.
21. Pay strict attention to the rangemaster. The Rangemaster will instruct you as to exactly what you are to do.
22. Be sure of your target before you pull the trigger.
23. Alcohol and firearms do not mix. No officer will participate in range activities after having recently consumed an alcoholic beverage or medication that may alter normal body responses.

Any officer recently taking medication will bring this to the attention of the Rangemaster in charge prior to engaging in the range activities. No alcoholic beverages will be allowed on the range and any officer showing signs of alcoholic consumption will be immediately relieved of duty and subject to disciplinary action.
24. Ear and eye protection will be worn.
25. All firearms cleaned or repaired at the range shall be done in a designated area as determined by the Rangemaster.
26. Any officer found to violate any safety rule shall be immediately suspended from the range at the discretion of the rangemaster and a written report of action taken forwarded to the Chief of Police.
27. In the event an officer should experience a malfunction of their firearm while attending the range, they shall raise their hand and await the command of the Rangemaster.
28. If any officers attending the range do not fully understand any direction or command of the Rangemaster, they shall immediately raise their hands and request the direction or command be clarified.

13.14.00 SECURITY OF FIREARMS. All firearms not under the immediate personal supervision of an officer shall be securely located in the Department armory or other secure area.

- A. Security of Duty and Off-Duty Firearms. Officers shall retain control of their firearms at all times. When entering a jail or processing prisoners, firearms shall be locked in a secure area or office gun locker. Particular care shall be exercised in safely storing firearms while off duty to insure they are not accessible to young children.
- B. Shotguns. Whenever possible a pre-service check prior to beginning every shift shall be conducted by every officer to assure him/herself that the shotgun in their patrol unit is clear, fully loaded and securely locked in the electric lock rack.
- C. Shotgun Safety. Shotguns are provided to insure additional fire power in the event of a suspected or apparent armed resistance and shall not be used as general duty firearms. Rounds will not be carried in the chamber until such time that it becomes obvious or there is a potential danger of making contact with a dangerous individual.
- D. Shotgun Electric Lock Rack. The rack will be unlocked only when the shotgun is to be removed from the patrol unit in preparation for authorized use, cleaning or storage.
- E. Custody of Shotgun. Shotguns released from the electric lock rack shall be removed from the patrol units being serviced or repaired (other than at the City shops) or while the vehicle is disabled.
- F. Security of Firearms. The shift supervisor shall insure that the Department armory is secure at all times.

13.15.00 RESPONSIBILITIES OF SUPERVISORS. It is the general responsibility of each supervisor authorized to use weapons to be familiar with the contents herein and to insure compliance. Supervisors shall report noncompliance and inconsistencies to the Chief of Police in writing. The authorized training supervisor has a specific responsibility to thoroughly review this section, at least annually, to insure compliance and to insure that the section reflects the current state law and recent court decisions regarding the use of firearms and deadly physical force. Noncompliance and/or recommended changes shall be made in writing to the Chief of Police.

13.16.00 SPECIAL RESPONSIBILITIES OF TRAINING SUPERVISOR. Special responsibilities will include the following:

- A. Maintenance of accurate and current records regarding:
 - 1. Firearms proficiency and qualifications of each officer required to carry a firearm;

2. Weapons inspection records for all authorized on and off-duty service weapons including brand, model, barrel length, caliber and serial number;
 3. Repairs of all Department owned firearms; and
 4. Ensure adequate supplies are available for all firearms training.
- B. Serve as advisor to Department staff in reference to firearm needs of the Department.
- C. Initiate and coordinate firearms training in conjunction with Department Rangemaster.

City of Metolius
Use of Force – Policy No. 2008-03

I. PURPOSE

The purpose of this policy is to provide Officers with guidelines on the use of deadly and non-deadly force.

II. POLICY

The Metolius Police Department recognizes and respects the value and special integrity of each human life. In vesting Officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Because an Officer's duties often present situations in which the use of force, including deadly force, may be necessary, the law and Police Department's policy authorize the use of such force in certain circumstances and require that the Officer be armed while on regular duty. It is the policy of this Police Department that use of force by its members be:

- ☐ Justified under applicable state law;
- ☐ Consistent with the more specific policies which follow;
- ☐ Professionally accomplished according to approved training and with approved equipment, unless a weapon of necessity is employed based on unusual circumstances;
- ☐ In all cases used to accomplish a legitimate tactical objective;
- ☐ Limited to that degree and duration which the Officer reasonably believes necessary to accomplish that objective; and
- ☐ Applied by the Officer and reviewed by the Police Department based upon those facts which are reasonably believed by the Officer at the time, applying legal requirements, Police Department policy, and approved training to those facts. Facts later discovered, but unknown to the Officer at the time, can neither justify nor condemn a Officer 's decision to use force.

Therefore, it is the policy of this Police Department that Officers shall use only that force which is reasonably necessary to effectively bring an incident under control, while protecting the lives of the Officer and others. Only after receiving and demonstrating their understanding of this directive will sworn personnel be authorized to employ any use of force, or carry any firearm/weapon.

III. DEFINITIONS

Deadly force: Any use of force that, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

Less Lethal force: Any use of force other than that which is considered deadly force.

Force Continuum: A graphic description of the escalation/de-escalation of force used by personnel in response to actions taken by a suspect or offender. The continuum illustrates the legal duty of an Officer to use only reasonable force in response to the threat perceived by the Officer. (Illustrated on 5.01–13)

IV. FORCE CONTINUUM

A. The Force Continuum Components

The Force Continuum is divided into six specific component parts:

- ☐ Threat Assessment;
- ☐ Considerations of Force Escalation;
- ☐ Levels of Resistance;
- ☐ Levels of Force;
- ☐ Justification; and
- ☐ Control Techniques.

B. Threat Assessment

Every situation contains impact factors, which define the threat assessment. The Officer must continuously Assess, Plan, and Act. The term "threat" is used to describe any person or animal capable of causing physical injury, serious physical injury or death. The threat must exhibit intent, means and opportunity to justify the use of force.

C. Considerations Of Force Escalation

The Officer must select the most reasonable option relative to the situation, taking into account:

1. The totality of the circumstances.
2. If the Threat had the opportunity to comply with the Officer's commands, or if commands were even possible and appropriate.

3. If the current course of action is achieving control or compliance.
4. If the option selected warrants the risk of injury to the Officer, others or the Threat.

D. Levels Of Resistance

1. Static

The Threat refused to comply with verbal commands by balking, becoming dead weight, or grasping a solid object.

2. Active

The Threat physically resists the Officer 's verbal commands and/or attempts to gain physical control by means such as pulling away, attempting to run or escape, or powering through a control hold.

3. Ominous

The Threat demonstrates the willingness to engage in combat through verbal challenge, threats, aggressive behavior or attempts to attack or attacks by means such as bites, pushes, strikes during the contact or attempted control.

4. Lethal

The Threat possesses both the intent and the means to inflict serious physical injury or death. The means can be with a weapon or empty-handed,

Example: The Threat uses a deadly weapon (handgun, knife, shank) or a dangerous weapon (lead pipe, broken bottle, tire iron, hammer) to inflict or attempt serious physical injury. Or the Threat inflicts serious injury through superior size, strength or combative skill.

E. Levels Of Force

An Officer employing force against any person(s) or animal(s) may continue that application until the resistance or threat that caused the Officer to take the action has been stopped or controlled. The levels of force and the circumstances under which they may be used, beginning with the least and escalating up the scale to deadly physical force are:

1. Presence

The Officer has an expectation that inappropriate behavior will stop

as the Officer properly identifies his/her authority.

2. **Verbal commands** (tactical communications)

The questioning of a subject, the attempt to persuade a subject, or giving a direct order to a subject.

3. **Physical Contact**

Directing a subject by touch, directional contact or controlling a subject with an escort hold.

4. **Physical Control**

Use of O/C Restraints, pressure points, joint manipulation techniques, electric stun device, physical control holds, digital control, hair takedown, use of physical restraints such as handcuffs.

5. **Serious Physical Control**

Use of focused blows, impact weapons, chemical weapons (CN/CS), neck restraint and canines.

6. **Deadly force**

Any force capable of causing serious physical injury or death.

F. Justification

1. Levels of force that may be applied vary and in most situations may be affected by the Officer's training, experience, and the information and circumstances known to the Officer at the time. When dealing with suspects and offenders, Officer's shall attempt to apply the Force Continuum, starting at the lowest appropriate level.
2. The mere presence of uniformed personnel may be enough to control a suspect/offender's actions. Should aggression or resistance escalate, Officer's should respond with the level of force appropriate to control the situation. If during a situation a suspect's resistance de-escalates, Officer's should decrease the level of force to an appropriate level to maintain control.
3. If control is lost, the Officer may escalate to the level of force necessary to regain and maintain control, or consider disengaging as a tactical option. Some situations encountered may not be controllable with on-site assets. If further escalation of the force continuum would not be warranted, and continued contact may result in unacceptable risk to the Officer(s) or others, disengagement may be exercised as the most proper option until the situation can be properly addressed.

5. It is important to recognize that a situation may require an Officer to start at the highest level or to pass over levels due to suspect actions. By properly applying the Continuum of Force concept, Officer's will respond lawfully by using only *the force that is reasonable and necessary to control a situation.*

G. Control Techniques

1. Verbal Command

In the majority of situations requiring intervention the Officer's verbal command is the only force necessary. The Officer's confidence, tone of voice and attitude, the clarity of directions, and choice of words are factors, which bear on the effectiveness of a verbal command.

2. Physical Control

If the use of a verbal command is not effective, or is not likely to be effective in controlling an individual, an Officer may need to resort to the next level of force, which is the use of physical control or an aerosol subject restraint or electric stun device. When using physical control, the Officer may only use that force necessary to control the individual. This force may range from a gentle but firm hold of a person's arm to the use of escort/control holds. Once a person complies, the force used is reduced in proportion to the compliance and is maintained at a level necessary to maintain control.

If an Officer is unable (or if the Officer believes he/she will be unable) to control a subject by use of physical controls, the Officer is justified in using a higher level of force, or prior to making any physical contact, may opt to use an aerosol restraint or electric stun device where there is a likelihood of injury to the Officer or any other person.

3. O/C Restraints (Oleoresin Capsicum) or Chemical Agents

The use of O/C restraints to control a person who is resisting arrest or is otherwise combative is authorized when resistance or threats of violence represents potential escalation of necessary force and Officer 's fear potential injuries to the Officer(s), the arrestee, or others present. When utilizing chemical agents or O/C restraints, Officers might be affected to a greater degree than the person who is resisting.

4. Electric Stun Devices

The use of an electric stun device to control a person who is resisting arrest or is otherwise combative is authorized when

resistance or threats of violence represents potential escalation of necessary force and Officer's fear potential injuries to the Officer(s), the arrestee, or others present. When utilizing electric stun devices, Officers may have a limited period of time to gain control of the threat.

5. **Impact Weapons**

The baton is a defensive weapon designed for blocking, jabbing, and striking. The use of the baton is proper to overcome force of resistance and to control. Flashlights are not typically deemed as impact weapons, however can be used for the purpose of blocking, jabbing and striking if necessary and as per the Police Department training. If flashlights are used they will and do fall under the same level of force as impact weapons.

6. **Deadly Physical Force**

No action on the part of an Officer can have more far-reaching consequences for the Officer, Police Department and community than the use of deadly physical force. Deadly physical force, therefore, can only be justified in the protection of the Officer or another from serious physical injury or death or to prevent the escape of a fleeing felon whom the Officer has probable cause to believe will pose a significant and immediate threat to human life should escape occur.

V. USE OF REASONABLE PHYSICAL FORCE

Officers are permitted to use only that force, which he/she reasonably believes, is necessary to protect others or themselves from bodily harm or to effect any other lawful action. The Officer's authority to use physical force is provided for under ORS 161.235 and this policy is intended to conform to the provisions of this statute.

A. Less Lethal Force

Every use of force carries the risk that some injury or even death may result, even though the type of force used is not categorized as "deadly" force. The goal in every use of less lethal force is to gain control over the action of the person in order to take and maintain custody, overcome resistance to arrest, prevent the immediate commission of dangerous or criminal acts, prevent injury to the Officer or others, or a combination of those objectives. Once the goal is achieved, further use of physical force must be discontinued. Until that goal is achieved, the level and extent of force used must be limited to that which is reasonably believed necessary by the Officer to achieve the goal.

B. Deadly Force

When circumstances justify the use of deadly force, the unavoidable risk is that someone will be killed or seriously injured. Although an Officer has no specific intent or desire to kill the person, death may be the result. Circumstances justifying the use of deadly force often happen quickly in situations of great physical and mental stress. It is rarely possible for the Officer to direct the use of deadly force to a nonfatal area of the threat. The goal in using deadly force is neither to kill nor to wound without killing. It is simply and exclusively to incapacitate the Threat to produce voluntary surrender or render that person or animal incapable of continuing the dangerous conduct which justified the use of deadly force in the first place.

Where deadly force is justified, an Officer may continue its use until satisfied the goal has been achieved. The Officer must then discontinue its use. Officer safety and the safety of persons other than the Threat must be a continuing consideration to the Officer using deadly force.

VI. GUIDELINES GOVERNING THE USE OF FORCE

While the use of force may be necessary in situations, which cannot be otherwise controlled, force may not be used unless other reasonable alternatives have been exhausted or would be ineffective under the particular circumstances.

A. Reasonableness

The unnecessary or excessive use of force against any person or animal is prohibited. What may be reasonable force under one set of circumstances may be unreasonable force under a different, though similar, set of circumstances.

B. Medical Treatment

Appropriate medical treatment will be made available for any person injured as a result of an Officer's use of force, and will be provided by Officers, ambulance or emergency medical staff, and/or hospital personnel when:

- Persons subjected to irritants such as oleoresin capsicum (O/C), shall have the affected areas flushed with water as soon as safe and practical, utilizing the eye wash and flush equipment furnished in the patrol cars, Police Department, or correctional facility.
- Persons subject to electric stun devices such as the M26 Advanced Taser and have deployed probes in vital areas such as the groin, face or breasts, shall be transported to the hospital emergency room to have the probes removed. All other non-vital areas will be removed that the jail.

- ☐ All physical injuries shall be promptly treated as soon as safe and practical by trained medical personnel. Any injuries other than minor bruises, cuts or abrasions shall be examined and treated by qualified medical personnel.
- ☐ Any person in custody reasonably alleging to have been injured by an Officer shall be transported to the hospital for examination and/or treatment.
- ☐ Trained medical personnel will examine a person losing consciousness as a result of a use of force.

VII. GUIDELINES GOVERNING THE USE OF DEADLY FORCE

These guidelines re-state legal principles of justification for the use of force, which are represented by the Force Continuum. Officers are directed by these general guidelines:

A. Deadly Force Warning

Wherever practical under the circumstances, an Officer shall give some warning before using deadly force; an example might be; "Police Department, Drop the Weapon or I'll shoot!" **However, warning shots from firearms are strictly prohibited.**

B. Use Of Deadly Force

Deadly force will be used only for the protection of life or the prevention of serious bodily injury or to prevent the escape of a fleeing felon whom the Officer has probable cause to believe will pose a significant and immediate threat to human life should escape occur. (ORS 161.239, 161.235)

C. Exhaust Reasonable Means

Reasonable and practical attempts for protection or apprehension will be exhausted before using deadly force. Reasonableness and practicality are to be judged based upon the circumstances, which actually exist and are perceived by the Officer at the time and at the place that deadly force is used.

D. Safety Of Bystanders

The use of any weapon must be done with proper regard for the safety of bystanders or other people in the immediate area.

E. Officer Discretion

Even when an Officer may be permitted to use deadly force, the Officer may refrain from doing so if he/she believes the use of such force is

inadvisable under the particular circumstances.

F. Decision To Display Firearms

A Officer's decision to draw or exhibit a firearm shall be based on the tactical situation and the Officer's reasonable belief there is a substantial risk the situation may escalate to the point where deadly force may be justified. When an Officer determines the use of deadly force is not necessary, the Officer should, as soon as practical, secure or holster the firearm. These judgments are matters committed to the discretion of the Officer in each instance and will be documented in the Officer's incident report. The Officer must decide what actions are necessary in order to maintain control.

G. Justification On The Use Of Deadly Force

1. An Officer may not use deadly force simply to arrest or prevent the escape of persons committing a crime. The only exception is if any such felons present an immediate threat to the life of an Officer or another person, should their immediate apprehension not be made.
2. An Officer is authorized to employ deadly force whenever the Officer reasonably believes there is no reasonable alternative under the following circumstances:
 - a. The crime committed by the person was a felony an attempt to commit a felony involving the use or threatened imminent use of deadly physical force against a person;
 - b. The crime committed by the person was Kidnapping, Arson, Escape in the First Degree, Burglary in the First Degree or any attempt to commit such crime;
 - c. Regardless of the particular offense, which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the Officer or another person from use or threatened imminent use of deadly physical force;
 - d. The crime committed by the person was a felony or an attempt to commit a felony and under the totality of the circumstances existing at the time and place, the use of such force is necessary;
 - e. The Officer's life or personal safety is endangered in the particular circumstances involved.
 - f. An Officer employed in the Corrections Division, is justified in using physical force including deadly physical force when and to the extent that the officer reasonably believes it is necessary to prevent the escape of a prisoner from the

VIII. REPORTING THE USE OF FORCE

Whenever an Officer must employ an amount of force capable of causing injury, a case number will be assigned to the incident. If that force is employed in the course of effecting an arrest, overcoming resistance, or controlling a dangerous situation (assault), appropriate criminal allegations should be charged against the suspect as soon as practicable. This section, VIII, also applies anytime a member discharges a firearm, other than in training or for lawful recreational purposes.

A. Involved Officers

The Officer(s) involved in the use of less lethal force and any other Officer notified by a supervisor shall report the use of less lethal force in the narrative section of a written report when:

1. Any injury is apparent or alleged to an Officer or citizen;
2. Medical treatment is required or requested;
3. When a less lethal weapon is used on a person or animal.
4. The force used relates to a criminal charge, irrespective of whether or not the incident results in an arrest.

B. Use of Force Report

1. The incident narrative shall describe in detail:
 - a. The type and level of force used;
 - b. The articulated facts and beliefs observed and held by the Officer that led the Officer to decide the level of force used was justified;
 - c. Any and all witnesses;
 - d. The weapon(s) used;
 - e. Injuries and medical care received;
 - f. Details of the altercation; and
 - g. If possible, a copy of medical records shall be attached.
2. The written report shall be submitted by the end of the Officer's shift

unless authorized by a supervisor.

3. The Officer's immediate supervisor shall complete a "Supervisor's Review" and submit it along with a copy of the written report flagged "Use of Force Review" to his/her designee for administrative review through the chain of command.
4. Officers involved in the use of deadly force will not be required to write an incident narrative, even though a case number will be assigned to the incident. Instead, other Officers will be assigned by his/her designee to investigate the incident. These investigating law enforcement officers may be from another agency, if the City decides to ask another agency to conduct the investigation.

C. Incident Review

1. Determinations will be made at each level of the chain of command whether or not all Police Department guidelines were followed. Each level in the chain of command will recommend actions in regard to those Officers involved in the use of force incident.
2. The City, based on the Use of Force Review, may convene an Administrative Hearings Board to examine the use of force incident. Based on the result of the hearing the City may take appropriate action. The Use of Force Review process will be completed as expeditiously as possible.
3. The review shall be based upon those facts, which are reasonably believed by the Officer at the time, applying legal requirements, Police Department policy and procedures, 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 regarding use of force.
4. The Supervisor will complete an annual report and review 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 Police Department policy and/or training needs.

WARNING

This directive is for the Metolius Police Department's use only and does not apply in any criminal or civil proceeding. The Police Department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for Police administrative sanctions.

Level of Force		Method of Force		Level of Resist	Threat
VI	Deadly	Any force readily capable of causing death or serious Physical injury		Lethal	R E S I S T I V E
V	Serious Physical Control	Neck Restraint K-9 Impact Weapon Focused Blow Mace (CN/CS)	O C R E S T R A I N T S	Ominous	
IV	Physical Control	Hair Takedown Joint Takedown Digital Control Joint Come-along Pressure Points Electronic Stun Device Temp. Restraints		Active Static	
III	Physical Contact	Escort Position Directional Contact		Verbal	U N D E C I D E D
II	Verbal Communication	Direct Order Questioning Persuasion			

I	Presence	Display of Force Option Body Language/Demeanor Identification of Authority	None	C O M P L Y I N G
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**DPSST
FORCE CONTINUUM**

ADOPTED by the City Council of the City of Metolius this 21st day of May 2008.

Sandy Toms, Mayor

Rhonda Stewart, City Recorder

CITY OF METOLIUS
USE OF FORCE – SPECIFIC INSTRUMENTALITY
POLICY NO. 2008-04

I. PURPOSE

The purpose of this policy is to provide police Officers with guidelines on the use of specific forms of deadly and non-deadly force.

II. POLICY

(Refer to Policy No. 2008-03, Use of Force)

III. DEFINITIONS

Deadly force: Any use of force that, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

Less Lethal force: Any use of force other than that which is considered deadly force.

Chemical Agents: Substances are man-made, the design and use of which is to temporarily incapacitate a suspect.

Electric Stun Device: A less lethal conducted energy weapon, which uses electricity to override the central nervous system and take control of the skeletal muscles to temporarily incapacitate the suspect.

Firearm: Any weapon, by whatever known name, which is designed to expel a projectile by the action of powder and which is readily capable of use as a weapon.

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

Less-Lethal Projectiles: Fired from a firearm or similar device, less-lethal projectiles are designed to stun or incapacitate a person/animal temporarily without causing serious physical injury or death. Less Lethal Projectiles are limited to O/C, CN, CS rounds and taser guns.

Neck Restraint: A neck restraint is any physical hold applied to the neck of another person that is intended to inhibit blood flow through the carotid arteries of the neck by exerting pressure, to one or both sides of the neck through the member's use of hands, arms, or any other instrument. The Metolius Police Department recognizes the application of the carotid restraint as a level of

Serious Physical Control.

O/C Restraints: Substances, either natural, man-made or a combination, the design and use of which is to temporarily incapacitate a suspect.

Patrol Canine: A canine trained for and employed by Officers, the use of which includes, but is not limited to, handler protection and the location and apprehension of suspects.

Restraints/Handcuffs: Handcuffs, flex-cuffs, hobbles, belly chains, and all such devices the design or use of which is to temporarily restrain a person for the purpose of Officer safety or to prevent injury to the person or another.

Vehicular Use of Force: Deployment of a motor vehicle as a use of force to stop or control a suspect or vehicle, beyond that of a traffic stop or normal vehicular operation.

IV. WARNING OF USE

Officers should issue a warning of the impending use of force except where impractical or tactically disadvantageous, such as in situations where the warning would endanger the Officer or another, alert the suspect to escape or allow actions to be taken which aid or abet a crime.

V. USE OF FORCE RELATED INJURIES

Once a person is in custody, it is the responsibility of the Officer(s) to render or obtain any medical aid required. With any use of physical force where an injury has occurred or is alleged to have occurred, the Officer shall observe and evaluate, treat or obtain medical aid, document, photograph and report the incident.

A. Observe and Evaluate

If a person in custody has an apparent injury the Officer shall observe and evaluate the injury to assure the appropriate level of care is provided. If a person in custody alleges an injury and none is apparent, the Officer will summon appropriate trained medical response for an evaluation.

B. Treat or Obtain Medical Aid

Appropriate medical treatment shall be provided any person injured or allegedly injured as a result of a use of force. This may include, but is not limited to:

1. Flushing the eyes and skin of a person subjected to oleoresin capsicum or other irritant, and monitoring the person for complications.

2. Removal of electric stun device probes from non-vital areas. Persons subjects to electric stun devices such as the M26 Advanced Taser and have deployed probes in vital areas such as the groin, face or breasts, shall be transported to the hospital emergency room to have the probes removed. All other non-vital areas will be removed that the jail.
3. Obtaining trained medical attention and ambulance transport to medical facilities for persons with more serious injuries.

C. Documentation

Officers shall take all practical measures to fully document the injuries:

1. Note location, extent, and appearance of the injury.
2. Photograph the injury as soon as possible.
3. Obtain witness names and statements of others, including medical personnel, at the scene.
4. Obtain all medical records possible if the subject is treated by emergency medical personnel or at a hospital facility.
5. Note specific statements made by the suspect.

D. Reporting Use of Force Injuries

See Policy No. 2008-03 "Use of Force".

VI. CN/CS CHEMICAL AGENTS

CN/CS Chemical Agents are considered a "Serious Physical Control" level of force and shall be employed consistent with Policy No. 2008-03 "Use of Force".

A. Sheriff's Office Issued Chemical Irritants

Officers will carry only Police Department issued Chemical Agents.

1. Personal Issue

Officers whose normal duties/assignments require them to make arrests or supervise arrestees may, while on duty, carry and use authorized Police Department CS and CN Chemical Agents.

B. Training

Only Officers who have completed the prescribed Chemical Agents course

of instruction are authorized to carry the device.

1. Officers will be instructed in the Police Department's Use of Force policy and applicable laws prior to being issued a chemical agents.
2. Officers will receive orientation and training regarding the use of CN and CS, its affects, ingredients, means of delivery and first aid to be administered, which will be included in the Officer's training file, prior to being issued Chemical Agents.
3. Officers will receive training and will demonstrate a proficient knowledge on the proper use of chemical agents at least annually.
4. The Chemical Agents training and proficiency will be documented in the Officer's training file.

C. Use of Chemical Agents

1. CN/CS may be used when:
 - a. Verbal dialogue failed to bring about the subject's compliance; and
 - b. The subject has signaled, physically or verbally, his/her intent to actively resist the Officer's efforts to make the arrest.
 - c. The subject has displayed menacing behavior or assaults or attempts to assault.
2. The effects of CN/CS vary among individuals. Therefore, all suspects shall be handcuffed as soon as possible after being exposed.
3. Officers should be prepared to employ other means to control the suspect, including, if necessary, other force options consistent with agency policy, if the suspect does not respond sufficiently to the exposure and cannot otherwise be subdued.
4. An Officer may use deadly force to protect himself/herself from the use or threatened use of CN/CS when the Officer reasonably believes deadly force will be used against him/her if he/she becomes incapacitated.
5. Once a suspect is incapacitated or restrained, the use of CN/CS is no longer justified unless the Officer reasonably believes the suspect is a continuing threat because of the tactical situation or other articulable reason.

D. Additional Considerations

Within several seconds of being exposed to CN/CS, a person will normally display symptoms of temporary blindness, have difficulty breathing, burning sensation in the throat, nausea, lung pain and/or impaired thought processes.

Consistent with Police Department training in the use of CN/CS, the Officer using the chemical agents should be aware of additional considerations including, but not limited to:

1. Collateral Effects

- a. Whenever possible, Officers should be upwind from the suspect before using CN/CS.
- b. Officers should avoid entering the exposed area.
- c. Use of CN/CS should be avoided, if possible, under conditions where it may affect innocent bystanders.
- e. Assistance shall be offered to an individual(s) who feel the effects of the agent resulting from an accidental CN/CS exposure.

2. Treatment of Affected Persons/Vehicles/Buildings

- a. Once the suspect has been restrained, Officers shall assist him/her by rinsing with clean water and drying the exposed area.
- b. Any vehicles or interiors of buildings should be ventilated and cleaned.
- c. Immediately after exposing a suspect, Officers shall be alert to any indications the individual needs medical care.
- d. Suspects that have been exposed shall be monitored continuously for indications of medical problems and shall not be left alone while in custody.
- e. The Officer shall immediately summon emergency medical aid if he/she observes any medical problems or the suspect requests medical assistance.

E. Maintenance

1. All CN/CS devices shall be maintained in an operational and charged state.

2. Replacements of CN/CS canisters or rounds shall occur when the unit has been discharged in any significant amount.
3. CN/CS canisters or rounds shall be inspected periodically by the Officer it is issued to, and turned in for replacement when expired, damaged, inoperable or depleted.

VII. ELECTRONIC STUN DEVICES

Electrical stun devices are considered a "Physical Control" level of force and shall be employed consistent with Police No. 2008-03, "Use of Force".

A. Police Department Issued Electrical Stun Devices

Officers will carry only Police Department issued Electric Stun Device.

2. Personal Issue

Officers whose normal duties/assignments require them to make arrests or supervise arrestees may, while on duty, carry and use authorized Police Department electric stun devices.

B. Training

Only Officers who have completed the prescribed Electrical Stun Device course of instruction are authorized to carry the device.

1. Officers will be instructed in the Police Department's Use of Force policy and applicable laws prior to being issued an electrical stun device.
2. Officers will receive orientation and training regarding the use of electrical stun devices, its affects, means of delivery and first aid to be administered, which will be included in the Officer's training file, prior to being issued an electrical stun device.
3. Officers will receive training and will demonstrate a proficient knowledge on the proper use of electrical stun devices at least annually.
4. The electrical stun device training and proficiency will be documented in the Officer's training file.

C. Use of Electrical Stun Devices

1. Electrical Stun Devices may be used when:

- a. Verbal dialogue failed to bring about the subject's compliance; and
 - b. The subject has signaled, physically or verbally, his/her intent to actively resist the Officer's efforts to make the arrest.
 - c. An Officer reasonably believes an animal exhibiting aggressive behavior may injure the Officer or other person present.
 - d. Deadly Force does not appear to be justifiable and or necessary.
 - e. Attempts to subdue the suspect with other less lethal tactics have been or will likely be ineffective in that situation.
 - f. There is a reasonable expectation that it will be unsafe for officers to approach within contact range of the suspect.
2. The effects of electrical stun devices are short in duration. Therefore, all suspects shall be handcuffed as soon as possible after being deployed.
 3. Officers should be prepared to employ other means to control the suspect, including, if necessary, other force options consistent with agency policy, if the suspect does not respond sufficiently to the exposure and cannot otherwise be subdued.
 4. An Officer may use deadly force to protect himself/herself from the use or threatened use of electrical stun devices when the Officer reasonably believes deadly force will be used against him/her if he/she becomes incapacitated.
 5. Once a suspect is incapacitated or restrained, the use of an electrical stun device is no longer justified unless the Officer reasonably believes the suspect is a continuing threat because of the tactical situation or other articulated reason.
 6. The probe site shall be photographed before and after the probe is removed as evidence. At least one AFID shall be secured as evidence and taped to the case file to identify the serial number of the cartridge used.
 7. The officer that has deployed the electrical stun device is responsible for maintaining custody of the spent probes until the probe can be properly disposed of.
 8. All used probes shall be considered Bio-hazardous material once the probe is removed. Officers will use latex gloves to prevent any

blood borne pathogen contamination. All probes shall be discarded in the "Sharps" container.

D. Unauthorized Use

1. Electrical stun devices shall not be used to threaten, intimidate or punish any person. Metolius Police Department duty tasers are not approved for off-duty use.
2. Electrical stun devices shall not be used for other than law enforcement purposes.

E. Additional Considerations

During the five seconds of being exposed to an electrical stun device, a person will normally display symptoms of sensory and motor disruption. This disruption is normally displayed as muscle lock up resulting in complete incapacitation. Depending on the muscle lock up, suspects may fall to the ground in any direction.

Consistent with Police Department training in the use of electrical stun devices, the Officer using the electrical stun device should be aware of additional considerations including, but not limited to:

1. Collateral Effects

- a. Officers should avoid deploying the electrical stun device when a suspect is at or near a ledge, which would result in an uncontrollable descent to the ground or could be caught in machinery or heavy equipment, which could result in death or serious bodily injury.
- b. Officers should avoid using an electrical stun device on visibly pregnant women. This device can induce premature labor.
- c. Officers should avoid deploying the electrical stun device when a suspect is in control of a motor vehicle or bicycle.
- d. Officers should avoid deploying the electrical stun device when a suspect is near flammable or combustible flames or materials.
- e. Officers should avoid aiming the laser aim point at suspect's eyes. This aim point is a Class IIIA laser.

2. Treatment of Affected Persons

- a. Persons subjected to electrical stun devices such as the

M26 Advanced Taser and have deployed probes in non-vital areas will be removed at the jail only after the probe site has been photographed. Removal shall be consistent with training.

- b. Persons subjected to electrical stun devices such as the M26 Advanced Taser and have deployed probes in vital areas such as the groin, face or breasts, shall be transported to the hospital emergency room to have the probes removed by trained medical staff only after the probe site has been photographed.
- c. Immediately after exposing a suspect, Officers shall be alert to any indications the individual needs medical care.
- d. Suspects that have been exposed shall be monitored continuously for indications of medical problems and shall not be left alone while in custody.
- e. The Officer shall immediately summon emergency medical aid if he/she observes any medical problems or the suspect requests medical assistance.

F. Maintenance

1. All electrical stun devices shall be maintained in an operational and charged state.
2. Replacement of electrical stun cartridges shall occur when the unit has been discharged.
3. Electrical stun devices shall be inspected periodically by the Officer it is issued to, and turned in for replacement when damaged, inoperable or depleted.
4. Electrical stun devices shall be charged using only NIMH rechargeable batteries.
5. In the event a device has a low charge and due to time constraints a officer cannot charge the device, the use of over the counter AA batteries is authorized. The only over the counter battery authorized for use in this device is "AA Duracell Ultra" batteries.

VIII. FIREARMS

Use of firearms constitutes a "Deadly Force" level of force and shall be used only

A. Police Department Issued Firearms

Officers will carry only Police Department issued firearms and ammunition, or those specifically authorized in the Police Department firearms policy.

1. Handgun

The Police Department issues the Sig Sauer, Glock, Colt, Smith & Wesson model weapons. Individuals assigned to Detective duties, or special assignments, may be issued separate duty weapons.

The Police Department also authorizes Officer owned handguns.

2. Shotgun

The Police Department issues Remington and Mossberg shotguns.

3. Rifle

The Police Department issues the Colt AR-15 A3 and Ruger Mini 14 in .223 calibers.

4. Other Firearms

Other firearms may be issued as necessary to the purposes of law enforcement as authorized by the Police Department and/or Range Master including, but not limited to, those whose specific purpose or design is delivery of chemical agents or O/C restraints, full automatic firing capability, precision long range shot placement or other weapons for duty and back-up uses.

B. Training

Officers will carry and use only those firearms they have received training and demonstrated proficiency in the use of.

1. Officers will be instructed in all applicable laws on the use of deadly force and Police Department Use of Force policy prior to being issued any firearm.
2. Officers will successfully complete the Basic Police Academy course on firearms instruction or its accepted equivalent.
3. Officers will receive firearms training at least annually and demonstrate an acceptable level of proficiency with each firearm they are authorized to carry.

4. Levels of proficiency and frequency of qualifications with each weapon will be documented in the Officer's training file.

C. Use of Firearms

Use of firearms by Officers in the performance of their duties constitutes one of the most closely scrutinized aspects of the profession. Officers are authorized to use firearms when necessary:

1. To destroy or deter a dangerous animal or to destroy a badly injured animal to prevent further suffering;
2. At a firing range pursuant to all safety rules and regulations;
3. The crime committed by the person was a felony an attempt to commit a felony involving the use or threatened imminent use of deadly physical force against a person;
4. The crime committed by the person was Kidnapping, Arson, Escape in the First Degree, Burglary in the First Degree or any attempt to commit such crime;
5. Regardless of the particular offense, which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the Officer or another person from use or threatened imminent use of deadly physical force;
6. The crime committed by the person was a felony or an attempt to commit a felony and under the totality of the circumstances existing at the time and place, the use of such force is necessary;
7. The Officers' life or personal safety is endangered in the particular circumstances involved.
8. An Officer employed in the Corrections Division, is justified in using physical force including deadly physical force when and to the extent that the officer reasonably believes it is necessary to prevent the escape of a prisoner from the correctional facility as defined by ORS 162.135 (2).

D. Unauthorized firearms Uses

1. Officers are prohibited from discharging firearms from a moving vehicle.
2. Discharging a firearm is not authorized as a signal, warning, or communication method.
3. Any accidental discharge of a firearm by an Officer occurring during a law enforcement related function will be immediately reported to

the on duty supervisor.

4. Officers will not display their weapons for casual civilian observation.
5. Firearms shall not be used to threaten or intimidate persons.

E. Maintenance

1. Any firearm authorized by the Police Department to be carried by an Officer will be maintained in a clean and operational condition. Firearms are subject to unannounced inspections by a supervisor or member of the firearms team at any time.
2. Firearms will be inspected as part of each scheduled firearms range training sessions.

IX. IMPACT WEAPONS

Use of impact weapons to extend a control hold may range upward from a "physical control hold" level of force. Use of impact weapons to block, jab, or strike constitutes a "serious physical control" level of force per Policy No. 2008-03 "Use of Force".

A. Police Department's Issued Impact Weapons

Officers will carry only Police Department issued or approved impact weapons or an authorized substitute:

1. Collapsible and Side-handled Batons

The Police Department issues, for standard deployment, a collapsible baton, which will be in the Officer's possession when assigned to the patrol function.

Side handled batons are also authorized under this policy.

2. Riot Baton

The Police Department may issue, during times of civil unrest or emergency, a riot baton for use with units assigned to riot and crowd control functions.

3. Impromptu Impact Weapons

Nothing in this section precludes an Officer from using an impromptu impact weapon (such as the Police Department's issued flashlight) if the Officer is justified in its use to protect himself/herself or another from serious physical injury or death.

B. Training

Only Officers who have received Police Department approved training and demonstrated proficiency in the use of impact weapons are authorized to carry and use them.

1. Officers will be instructed in the Police Department's Use of Force policy and applicable laws prior to being issued an impact weapon.
2. Officers will receive training in the proper use of impact weapons prior to the weapon being deployed with the Officer. This will be documented in the Officer's training file.
3. Officers will receive annual in-service training in the proper use of impact weapons and will demonstrate proficiency in their use. This will be documented in the Officer's training file.

C. Use of Impact Weapons

Only that amount of force reasonably believed necessary to protect persons from bodily harm or to affect a lawful law enforcement action may be used.

1. Impact weapons may be used as an extension of an Officer's ability to apply a control hold to overcome "static" or higher levels of resistance. This includes, but is not limited to leverage applications, wrist or other joint locks, arm bars, come-along holds, and takedowns.
2. Impact weapons may be used as a blocking, jabbing, or striking weapon to overcome "active" or higher levels of resistance. This includes, but is not limited to jabs and rakes or strikes to major muscle groups intended to stun or gain compliance, or strikes to areas such as wrists or shins designed to disarm or incapacitate.
3. Impact weapons may be used on targets identified as potentially lethal, such as the head or groin, only in situations where the use of deadly force is justified.
4. Treatment of Affected Persons
 - a. Immediately after deploying an impact weapon on a suspect, Officers shall be alert to any indications the individual needs medical care.
 - b. Suspects that have been struck shall be monitored continuously for indications of medical problems and shall not be left alone while in custody.
 - c. The Officer shall immediately summon emergency medical

aid if he/she observes any medical problems or the suspect requests medical assistance.

- d. Any injury caused by an impact weapon will be photographed by the officer.

D. Unauthorized Use

1. Impact weapons shall not be used to threaten, intimidate or punish any person.
2. Impact weapons shall not be used for other than law enforcement purposes.
3. Officers shall exercise restraint and consideration before demonstrating or displaying an impact weapon.

E. Maintenance

Police Department issued impact weapons will be kept in a clean, operational condition at all times.

X. LESS-LETHAL PROJECTILES

Use of less-lethal projectiles constitutes a "Serious Physical Control" level of force per Policy No. 2008-03, "Use of Force". Metolius Police Department duty OC, CN, and CS projectiles are not approved for off-duty use.

A. Police Department Authorized Less-Lethal Projectiles

Officers will carry and deploy only Police Department issued CN/CS or O/C restraint less-lethal projectiles. No other Less Lethal Projectile is authorized.

1. Shotgun Launched Less-lethal Projectiles

The Police Department issues 12-gauge beanbag loads for designated shotguns for deployment as less-lethal projectiles, deployed at a patrol level.

B. Training

Officers assigned to less-lethal weapons duty will have weapons available for the specific purpose of launching less lethal projectiles. The weapons will be assigned at team or tactical level, and shall not be used for or loaded with lethal rounds.

The shotguns designated as less-lethal projectile launchers shall be

readily identified as such, to avoid any possible confusion.

1. Only Officers trained in the use of the less-lethal weapons are authorized to use them.
2. Officers will be trained in and demonstrate knowledge of applicable laws and Police Department Use of Force Policy when assigned to less-lethal projectile duty.
3. Officers will receive training in the proper deployment and use of less-lethal projectile weapons prior to being authorized to carry them on duty.
4. Officers will, at least annually, demonstrate proficiency in the use of less-lethal projectile weapons.
5. Training and demonstrations of proficiency shall be documented in the Officer's training file.

C. Use of Less Lethal Weapons

1. Less-lethal weapons are used in situations where a serious physical control is justified, and other means have not been effective or are not practical.
2. Less-lethal projectiles are directed near or at a subject so that he/she may be temporarily incapacitated and safely taken into custody, or to persuade the subject to surrender without physical resistance.
3. Situations justifying the use of a less-lethal weapon may be, but are not limited to:
 - a. As an alternative to the use of deadly physical force if the tactical situation allows for the option;
 - b. To induce a cornered, dangerous suspect into custody without necessitating Officers approaching into the danger area. This may include breaking of windows or shooting at doors;
 - c. To accomplish a lawful police action in situations where lesser levels of force have been ineffective and a substantial danger exists for the Officers or others if the action is not taken; or
 - d. To deter a dangerous or aggressive animal.

D. Unauthorized Uses

Except in the most extreme circumstances, Officers should try to avoid deploying less-lethal weapons against:

1. Extremely frail or elderly subjects;
2. Very young or very small persons;
3. Pregnant women;
4. Injured or sick persons whose injury or sickness may cause them to be more susceptible to injury;
5. Any person at ranges so close they are likely to receive a serious injury or fatal wound; or
6. Any part of the body, which could be reasonably expected to produce a serious injury or lethal wound.

E. Maintenance

The same maintenance and inspection standards apply to less-lethal weapons as apply to other firearms.

XI. NECK RESTRAINTS

Neck restraint constitutes "Serious Physical Force" level of force and shall be employed in a manner consistent with Policy No. 2008-03 "Use of Force".

A. Police Department Policy on the Neck Restraint

A neck hold may **ONLY** be applied to a person for the protection of life, for the prevention of serious bodily injury, or in the apprehension of a person who the Officer reasonably believes poses a serious danger to the Officer or the public.

B. Training

Only those Officers instructed in the use of the "carotid hold" or neck restraint in authorized training and whose skills are current may use such a hold. Such Officers shall also be currently certified in the use of cardiopulmonary resuscitation (CPR).

Training and current proficiency documents shall be in the Officer's training file.

C. Use of the Neck Restraint

The Neck Restraint may be used as a controlling maneuver when other control techniques have failed and the Officer needs to protect him/herself or another person from death or serious physical injury, or to apprehend a person the Officer reasonably believes poses a serious danger to the Officer or the public.

Medical attention by qualified medical personnel shall be sought and administered immediately or as soon as practical following an unconscious state resulting from the application of the Neck Restraint.

XII. O/C RESTRAINTS

O/C Restraints are considered a "Physical Control" level of force and shall be employed consistent with Policy No. 2008-03, "Use of Force".

A. Police Department Issued O/C Restraints

Officers will carry only Police Department issued O/C Restraints. The only authorized O/C Restraint canister is the 134A water based propellant.

1. Personal Issue

Officers whose normal duties/assignments require them to make arrests or supervise arrestees may, while on duty, carry and use Police Department authorized oleoresin capsicum aerosol restraint spray.

B. Training

Only Officers who have completed the prescribed O/C course of instruction are authorized to carry the device.

1. Officers will be instructed in the Police Department's Use of Force policy and applicable laws prior to being issued an O/C Restraint.
2. Officers will receive orientation and training regarding the use of oleoresin capsicum, its affects, ingredients, means of delivery and first aid to be administered, which will be included in the Officer's training file, prior to being issued O/C.
3. Officers will receive training and will demonstrate a proficient knowledge on the proper use of O/C Restraints at least annually.
4. The O/C training and proficiency will be documented in the Officer's training file.

C. Use of O/C Restraints

1. Oleoresin capsicum may be used when:
 - a. Verbal dialogue failed to bring about the subject's compliance; and
 - b. The subject has signaled, physically or verbally, his/her intent to actively resist the Officer's efforts to make the arrest.
 - c. An Officer reasonably believes an animal exhibiting aggressive behavior may injure the Officer or other person present.
 - d. Deadly Force does not appear to be justifiable and or necessary.
 - e. Attempts to subdue the suspect with other less lethal tactics have been or will likely be ineffective in that situation.
 - f. There is a reasonable expectation that it will be unsafe for officers to approach within contact range of the suspect.
2. The effects of O/C vary among individuals. Therefore, all suspects shall be handcuffed as soon as possible after being sprayed.
3. Officers should be prepared to employ other means to control the suspect, including, if necessary, other force options consistent with agency policy, if the suspect does not respond sufficiently to the spray and cannot otherwise be subdued.
4. An Officer may use deadly force to protect himself/herself from the use or threatened use of O/C when the Officer reasonably believes deadly force will be used against him/her if he/she becomes incapacitated.
5. Once a suspect is incapacitated or restrained, the use of O/C is no longer justified unless the Officer reasonably believes the suspect is a continuing threat because of the tactical situation or other articulated reason.

D. Additional Considerations

Within several seconds of being sprayed by O/C, a person will normally display symptoms of temporary blindness, have difficulty breathing, burning sensation in the throat, nausea, lung pain and/or impaired thought processes.

Consistent with Police Department training in the use of Oleoresin Capsicum, the Officer using the chemical irritant should be aware of

additional considerations including, but not limited to:

1. Collateral Effects

- a. Whenever possible, Officers should be upwind from the suspect before using O/C.
- b. Officers should avoid entering the spray area.
- c. Officers should maintain a safe distance from the suspect of between two and 10 feet.
- d. Use of O/C should be avoided, if possible, under conditions where it may affect innocent bystanders.
- e. Assistance shall be offered to an individual(s) who feel the effects of the agent resulting from an accidental O/C exposure.

2. Treatment of Affected Persons/Vehicles/Buildings

- a. Once the suspect has been restrained, Officers shall assist him/her by rinsing with clean water and drying the exposed area.
- b. Any vehicles or interiors of buildings should be ventilated.
- c. Immediately after spraying a suspect, Officers shall be alert to any indications the individual needs medical care.
- e. Suspects that have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in police custody.
- f. The Officer shall immediately summon emergency medical aid if he/she observes any medical problems or the suspect requests medical assistance.

E. Maintenance

1. All O/C spray devices shall be maintained in an operational and charged state.
2. Replacements of O/C spray canisters shall occur when the unit has been discharged in any significant amount.
3. O/C canisters shall be inspected periodically by the Officer it is issued to, and turned in for replacement when expired, damaged, inoperable or depleted.

XIII. RESTRAINTS/HANDCUFFS

Use of restraints such as handcuffs, leg irons, flex cuffs, or hobbles constitute a "Physical Control" level of force per Policy No. 2008-03 IV "Levels of Force".

A. Police Department Authorized Restraints

Officers will carry only Police Department issued or authorized restraints.

1. Handcuffs

The Police Department issues handcuffs to Officers whose normal duties/assignments may require them to make arrests or supervise arrested persons. Officers may carry additional personally owned sets of handcuffs so long as they are of a similar design and quality to issued handcuffs.

2. Other Restraints

The Police Department offers additional restraints, which may be used by Officers to make arrests, transport or supervise prisoners:

a. Hobble

To prevent a violent prisoner from kicking persons or damaging property.

b. Belly Chain

To further restrain the arms of a prisoner who is unusually flexible, violent, or dangerous.

c. Flex-cuff

A temporary means to secure additional suspects. Officers should be aware of the danger of a suspect cutting, burning, or slipping out of flex cuffs and exercise additional caution, checking the flex-cuffs frequently.

B. Training

Officers shall successfully complete annual defensive tactics in-service training on the proper use and application of restraints.

1. The training shall include instruction in the Police Department's Use of Force policy.
2. The training shall be documented in the Officer's training file.

5.02-20

C. Use of Restraints

Every person taken into custody shall be handcuffed with his or her hands behind the back, unless such handcuffing is impossible (e.g., an amputee) or impractical. In such an event, an Officer shall use appropriate safeguards to secure the person. Additional restraints shall be used, as needed, if the Officer reasonably believes they are necessary because:

1. The prisoner is violent and constitutes a continuing threat to the Officer even though handcuffed.
2. The prisoner constitutes an escape risk unless further restrained.
3. The prisoner damages or attempts to damage property even though restrained.
4. The prisoner acts in a manner that is likely to injure him/her self or others.
5. The prisoner is accused of crimes of a serious nature that merit additional security.
6. The prisoner has a past record of violent behavior or escapes.

D. Unauthorized Uses of Restraints

Restraints shall not be used as punishment, or to humiliate or degrade any person.

E. Maintenance

All restraints carried by or in the care of Officers shall be maintained in a clean and operational condition.

XIV. CANINE AS A USE OF FORCE

Law enforcement canine are not normally deployed as a "Use of Force". When utilized as such, canine is considered to be a "Serious Physical Control" level of force, Policy No. 2008-03, "Use of Force". They are not approved for off-duty use.

XV. VEHICULAR USES OF FORCE

Vehicles are not designed as, nor are they normally deployed as a "Use of Force". When utilized as such, a vehicle is considered a "Deadly Force" level of force, Policy No. 2008-03 "Use of Force".

WARNING

This directive is for Metolius Police Department use only and does not apply in any criminal or civil proceeding. The Police Department's policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for Police Department administrative sanctions.

ADOPTED by the City Council of the City of Metolius this 21st day of May, 2008.

Sandy Toms, Mayor

Rhonda Stewart, City Recorder

300 Culver Police Department

Use of Force Policy

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 MAKE 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:

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.

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 are as follows:
 - a. Professionally accomplished according to approved training and with approved equipment;
 - b. In all cases employed to accomplish a legitimate tactical objective;
 - c. Limited to that degree and duration which the officers reasonably believes necessary to accomplish that objective;
 - d. 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:

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. Time and circumstances permitting, the 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 Training and experience of the officer
7. Potential for injury to citizens, officers and suspects
8. Risk of escape
9. Other exigent circumstances
10. 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 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 static 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:

1. The potential for injury to the officer(s) or others if the technique is not used
2. The potential risk of serious injury to the individual being controlled
3. The degree to which the pain compliance technique may be controlled in application according to the level of resistance
4. The nature of the offense involved
5. The level of resistance of the individual(s) involved
6. The need for prompt resolution of the situation considering the time constraints and other reasonable alternatives
7. 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:

1. The officer shall have received departmentally approved training in the use and application of the carotid restraint.
2. 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).
3. 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.
4. 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.
5. Any officer applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such hold.
6. 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 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:

1. 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.
2. 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 tasers 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:

1. The application of force appears to have caused physical injury
2. The individual has expressed a complaint of pain
3. Any application of a control device
4. 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:

1. Obtain the basic facts from the involved officer(s)
2. Ensure that any injured parties are examined and treated
3. Separately interview the subject(s) upon whom force was applied
4. Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas
5. Identify any witnesses not already included in related reports
6. 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 Culver 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 from Culver or other PD
Training Officer from Madras PD or other Police Dept.
Sergeant from Madras PD or other Police Dept.

The Chief of Police will select members and appoint a chairperson. Should the Chief of Police be subject to a deadly force review, the board will be appointed by the Madras Chief of Police. The chairperson will convene the Use of Deadly Force Review Board as necessary. It will be the responsibility of the supervisor of the involved employee(s) to notify the Chief of Police of any incidents requiring board review. This supervisor 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. The review shall be based upon those facts which are reasonably believed by the officer at the time, applying legal requirements, department policy and procedures, 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 regarding use of force. 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:

1. The employee's actions were within department policy and procedures.
2. 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. After review by the Chief of Police, a copy of the findings will be forwarded to the involved employee's Sergeant for review and 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 Officer 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:

1. 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.
2. 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.
3. To stop a dangerous animal.
4. In circumstances where officers encounter an unexpected dangerous animal or are surprised by an animal which reasonably appears to pose an imminent threat to the safety of officers or others, officers are authorized to use deadly force to neutralize such a threat.
5. 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.
6. With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.
7. For target practice at an approved range.
8. Where feasible, a warning shall be given before an officer resorts to deadly force as outlined (1) and (2) 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.

304.13 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and are generally discouraged. 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. 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. 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 imminent 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 prior to the end of shift unless otherwise directed. If off-duty, the member shall file a written report as directed by the supervisor but no later than the end of the next regularly scheduled shift. In either case, officers and their supervisors shall follow the provisions listed in chapter 303 of this policy manual.

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, restraint devices should be used only in the departmentally approved manner for such temporary immobilization of the legs.

306.3 USE GUIDELINES

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

1. If the officer and/or others are subject to harm due to the assaultive behavior of a violent, resisting and/or attacking suspect
2. If it is reasonable to protect the suspect from his/her own actions which would place him/her in danger (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).
3. The restraint shall be used only after a person has been handcuffed.

306.31 MEDICAL CONSIDERATIONS

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.

306.4 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. 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:

1. Once the person's legs have been bound, the safety clip of the restraint may be attached to the chain of the handcuffs
2. 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
3. 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
4. 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
5. The officer shall look for signs of labored breathing

306.41 TRANSPORTING RESTRAINED SUSPECTS

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

1. Restrained suspects may be transported in a patrol unit. They shall be seated in an upright position. 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.
2. When taken by ambulance/paramedic unit, the suspect shall be accompanied by an officer.
3. 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.

306.5 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:

1. The amount of time the suspect was restrained
2. How the suspect was transported and the position of the suspect
3. Observations of the suspect's physical and physiological actions
4. Any known or suspected drug use or other medical problems

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). Only those control devices that have been approved by the Chief of Police or his/her designee are authorized to be carried by members of this department.

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.

308.12 REVIEW, INSPECTION AND APPROVAL

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

308.13 TRAINING FOR CONTROL DEVICES

Only officers trained and having shown adequate proficiency in the use of any control device and this agency's Use of Force policy are authorized to carry the devices subject to the following:

1. Proficiency training must be monitored and documented by a certified weapons or tactics instructor.
2. Training for all control devices should occur every two years at a minimum.
3. All training and proficiency for control devices will be documented in the officer's training file.
4. Officers failing to demonstrate proficiency with the weapon or knowledge of this agency's Use of Force policy will be provided remedial training.
5. If, after two additional attempts, an officer still cannot demonstrate proficiency with a weapon or knowledge of this agency's Use of Force policy, the officer may be subject to discipline.

308.2 BATON/ASP GUIDELINES

The baton/ASP is authorized for use when the officer is trained and certified in its use and when the officer believes the use is reasonable and necessary.

308.3 TEAR GAS GUIDELINES

The use of tear gas for crowd control/dispersal or against barricaded suspects shall be based on the circumstances. The Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, evaluating all conditions known at the time. When practical, fire personnel should be alerted or summoned to the scene to control any fires and to assist in providing medical aid or gas evacuation when the scene is safe. Only officers or supervisors trained in the use of tear gas weapons should discharge such devices at the scene.

308.4 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 is reasonable and necessary.

308.41 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.

308.42 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 Senior Defensive Tactics Instructor for exchange. Damage to department equipment shall also be reported to the appropriate supervisor, in writing.

308.43 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been affected by the use of chemical agents should be promptly provided with the proper attention to cleanse the affected areas. This can be accomplished by the use of soap and water or other products made specifically for removing chemical agents. Those persons who complain of further severe effects shall be afforded a medical examination by competent medical personnel.

308.44 REPORT OF USE

All uses of chemical agents shall be documented in the related arrest/crime report.
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308.45 USE OF KINETIC ENERGY PROJECTILES BY SWAT

Officers assigned to the Crisis Response Unit, who have completed a departmental training course may carry and employ 12 gauge or 37/40 mm projectiles while on duty or while performing Special Weapons and Tactics (SWAT) missions.

308.46 SAFE HANDLING OF WEAPONS

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

1. Officers shall not unnecessarily display or handle any kinetic energy device.
2. Officers shall be governed by all rules and regulations pertaining to the use of the police range or training facility, and shall obey all orders issued by the Rangemaster or weapons instructor.
3. Any member who discharges a kinetic energy devices accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to the on-duty supervisor as soon as circumstances permit and shall file a written report with their Sergeant prior to the end of shift if on-duty. If off-duty, the member shall file a written report as directed by the supervisor.
4. Officers shall not place or store any kinetic energy device or projectiles in department premises except when the place of storage is locked.

308.5 RESPONSIBILITIES

308.51 SUPERVISOR RESPONSIBILITIES

A Supervisor shall monitor the use of control devices in the same manner as all other use of force incidents. The Supervisor may authorize the use of a control device by selected personnel or members of specialized units provided the person(s) authorized has/have the required training. The request for a control device should be made through the Supervisor. The Supervisor shall review each use of control devices by any personnel under supervision. The Supervisor shall ensure training on the use of control devices is provided as needed.

308.52 SUPERVISOR RESPONSIBILITIES

The Supervisor or his/her designee shall control the inventory and shall issue all control devices. All damaged, inoperative and/or expended control devices shall be returned to the Supervisor or his/her designee for disposition, repair or replacement.

308.53 MAINTENANCE RESPONSIBILITY

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

308.6 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Taser™ Guidelines

309.1 PURPOSE AND SCOPE

When properly applied in accordance with this policy, the Taser device is considered a less lethal 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.

1. Personnel leaving a particular assignment may be expected to return their issued device to the department's inventory.
2. Officers shall only use Taser and cartridges that have been issued by the Department. The device may be carried as part of a uniformed officer's equipment in an approved holster.
3. 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.
4. All Tasers shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
5. Whenever practical, officers should carry a total of two or more Taser cartridges on their person at all times while carrying a laser.
6. Officers shall be responsible for insuring that their issued Taser is properly maintained and in good working order at all times.
7. 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:

1. Provide the individual with a reasonable opportunity to voluntarily comply.
2. Provide other officers and individuals with warning that a laser may be deployed.
3. 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 laser.
4. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair their vision.
5. The fact that a verbal and/or other warning was given or reasons it was not given shall be documented in any related reports.

309.4 USE OF THE TASER

As with any law enforcement equipment, the Taser has limitations and restrictions requiring consideration before its use.

1. 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.

2. 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 the subject.
3. The decision to use the Taser must be made dependant on the actions of the threat(s) facing the officer(s) and the totality of the circumstances surrounding the incident. In any even, the use of the Taser must be reasonable and necessary.
4. The Taser is not meant to be used in deadly force situations. The Taser should not be used without a firearm backup in those situations where there ius a deadly force situation.
5. All applications of the Taser shall conform to the principles outlined in the training and certification program.
6. At the earliest practical opportunity, a supervisor shall be notified of any use of the laser.
7. The Taser will never be used as a means of punishment.
8. The Taser is a weapon and shall be treated as such with the same respect given to firearms safety. Horscplay of any type is forbidden. Violations of this policy will be considered serious infractions, which may result in disciplinary action.
9. 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:
 - a. Pregnant females
 - b. Elderly individuals or obvious juveniles
 - c. Individuals who are handcuffed or otherwise restrained
 - d. Individuals who have been recently sprayed with alcohol based Pepper Spray or who are otherwise in close proximity to any combustible material
 - e. Static resisting subjects
 - f. Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating vehicles)
 - g. 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.
 - h. (g) 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
 - i. The Taser shall not be used to torture, psychologically torment or inflict undue pain on any individual.

309.41 MULTIPLE APPLICATIONS OF THE TASER

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.

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

Following the use of the Taser, probes will be removed by officers unless they are located in sensitive areas such as the face, neck, groin or breast. In those cases the probes will be removed at a medical facility.

309.6 TRAINING

In addition to the initial department approved training required to carry and use a laser, 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 laser 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 Officer or a supervisor.

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 Major Crime Team MOU for investigating officer-involved shootings.

310.3 TYPES OF INVESTIGATIONS

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

1. 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
2. A criminal investigation of the involved officers conducted by an outside agency or interagency team
3. A civil investigation to determine potential liability conducted by the involved officer's agency
4. 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 CULVER POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION

The Culver Police Department is responsible for the criminal investigation of the suspect's actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by this agency or an inter-agency team as designated in the Major Crime Team MOU in conjunction with the District Attorney's Office

310.42 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Culver 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 in the Major Crime Team MOU 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 CULVER 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 Culver 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	Criminal Investigation of	Civil Investigation	Administrative Investigation
Culver Police Department Officer in this	Culver Police Department	Major Crime Team MOU and District	Culver Police Department Civil Liability Team	Culver Police Department Chief of Police
Allied Agency's Officer in this Jurisdiction	Culver Police Department	Major Crime Team MOU and District	Involved Officer's Department	Involved Officer's Department
An officer From this department in Another Jurisdiction	Agency where incident occurred Major Crime	Team MOU dictated by county where incident	Culver Police Department Civil Liability Team	Culver Police Department Chief of Police

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:

1. Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals
2. Attempt to obtain a brief overview of the situation from any non-shooter officer(s)
3. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.
4. 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
5. Public safety information shall be limited to such things as
 - a. outstanding suspect information,
 - b. number and direction of shots fired,
 - c. parameters of the incident scene,
 - d. identity of known witnesses and similar information
6. 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
7. Provide all available information to Dispatch. If feasible, sensitive information should be communicated over secure networks

8. Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel
6. As soon as practical, shooter officers should respond or be transported (separately, if feasible) to the station for further direction
7. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
8. 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 SUPERVISOR DUTIES

Upon learning of an officer-involved shooting, the supervisor shall be responsible for coordinating all aspects of the incident until relieved by the Chief of Police

310.53 NOTIFICATIONS

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

1. Chief of Police
2. District Attorney
3. Interagency Major Incident Team
4. Civil Liability Response Team
5. Psychological/Peer support personnel
6. Medical Examiner (if necessary)
7. Officer representative (if requested)
8. 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 supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Chief of Police, Sergeant and Public Information Officer 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, the 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:

1. Any request for legal representation will be accommodated
2. Discussions with licensed attorneys will be considered privileged as attorney client communications
3. Discussions with departmental (e.g., association) representatives will be privileged only as to the discussion of non-criminal information
4. A psychotherapist shall be provided by the Department to each involved officer, or any officer upon request
 - a. 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.
5. 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:
 - a. Have been designated by a law enforcement agency or employee assistance program to act as a peer counselor, and
 - b. 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
6. 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.
7. Detectives shall make reasonable accommodations to the officer's physical and emotional needs.
8. 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 the appropriate Sergeant to make schedule adjustments to accommodate such leave.

310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION 310.61 DETECTIVE PERSONNEL

Once notified of an officer-involved shooting, it shall be the responsibility of the Investigation Division supervisor to assign appropriate detective personnel to handle the investigation of related crimes in compliance with the Major Crime Team MOU. Detectives 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 designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate supervisor.

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.

If available, detective 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:

1. Supervisors and Chief of Police 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
2. 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
3. Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations
4. 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 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 involved 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.

1. 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.
2. 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.
3. 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)
4. 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.
5. 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.
6. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview.
7. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview).
8. 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).
9. The administrative interview shall be considered part of the officer's confidential

- personnel file.
10. The Chief of Police shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 11. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with the Department use of deadly force policy.
 12. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

Firearms

312.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Chief of Police or his or her designee shall approve all Department firearms before they are acquired and utilized by any member of this department.

312.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Rangemaster during a regularly scheduled range date. Except in an emergency, or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

The following weapons are approved for use by officers of this department:

312.21 DUTY WEAPONS

The authorized departmental handgun is the Glock 17, Glock 19 and other handguns approved by the Rangemaster.

The following weapons are approved for on-duty use:

MAKE	MODEL	CALIBER
Colt	A1	.223
Remington	870	12 gauge

312.22 AUTHORIZED SECONDARY WEAPONS

Officers desiring to carry a secondary weapon are subject to the following restrictions:

1. The weapon shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, Sig-Sauer, Beretta, etc.)

2. Only one secondary weapon may be carried at a time
3. The purchase of the weapon and ammunition shall be the responsibility of the officer
4. The weapon shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control
5. The weapon shall be subject to inspection whenever deemed necessary
6. Ammunition shall be the same as Department issue. If the caliber of the weapon is other than Department issue, the Chief of Police shall approve ammunition
7. Personnel shall qualify with the secondary weapon under range supervision
8. Officers must demonstrate their proficiency, safe handling and serviceability of the weapon
9. Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second weapon to the Rangemaster

312.23 AUTHORIZED OFF-DUTY WEAPONS

The carrying of firearms by sworn officers while off duty is permitted by the City of Culver, but may be rescinded should circumstances dictate (e.g., administrative leave). Sworn officers who choose to carry a firearm while off duty will be required to meet the following guidelines:

1. The weapon shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, Sig-Sauer, etc.).
2. The purchase of the weapon and ammunition shall be the responsibility of the officer.
3. The weapon shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
4. It will be the responsibility of the officer to submit the weapon to the Rangemaster for inspection prior to being carried off-duty.
5. The Rangemaster shall assure that the officer is proficient in handling and firing that weapon and it will be carried in a safe manner.
6. The weapon shall be subject to inspection whenever deemed necessary.
7. The officer will successfully qualify with the weapon prior to it being carried and thereafter once every six months.
8. The range qualification dates will be specified by the Rangemaster.
9. A complete description of the weapon(s) shall be contained on the qualification record approved by the Rangemaster.
10. If any member desires to own more than one weapon utilized while off duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each weapon used.
11. Ammunition should be of good quality and manufactured by a departmentally approved company as suggested by the Rangemaster
12. When armed, whether on or off duty, officers shall carry their badge and department identification.
13. The conditions of this section are not applicable in regard to firearms carried during recreational use or in those instances that are permitted for any other citizen.

312.24 AMMUNITION

Officers shall carry only departmentally authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all department issued firearms during the officer's first scheduled qualification each year. Officers carrying personally owned authorized firearms of a caliber differing from department issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above at their own expense. Replacements for unserviceable or depleted ammunition issued by the department shall be dispensed by the Rangemaster when needed in accordance with established policy.

312.25 ALCOHOL & DRUGS

Weapons shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

312.26 LASER SIGHTS

Laser sights may only be installed on a weapon carried on or off-duty after they have been examined and approved by the Rangemaster.

1. Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.
2. Once approved laser sights have been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.
3. Except in an approved training situation, an officer may only activate a laser sight when the officer would otherwise be justified in pointing a weapon at an individual or other authorized target.

312.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on and off duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

312.31 SAFETY CONSIDERATIONS

1. Officers shall not unnecessarily display or handle any firearm.
2. Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice quick draws except under Rangemaster supervision.
3. Any member who discharges his or her weapon accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to his/her

supervisor as soon as circumstances permit and, if the occurrence was on-duty, shall file a written report with their Sergeant prior to the end of shift, unless directed otherwise. If off-duty, as directed by the supervisor.

4. Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
5. Shotguns or rifles removed from vehicles or equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.
6. Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location.
7. Officers shall not use any automatic weapon, heavy caliber rifles, gas or other types of chemical weapon (from the armory), except with approval of a supervisor.

312.32 STORAGE OF FIREARMS AT HOME

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes in a manner that will keep them inaccessible to children and irresponsible adults.

312.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify two (2) times per year with their duty weapon on an approved range course. The Rangemaster shall keep accurate records of qualifications, repairs, maintenance and training. Officers who have access to shotguns during their normal course of duty will annually fire a shotgun familiarization course.

In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations.

312.41 NON QUALIFICATION

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall submit a memorandum to his or her immediate supervisor prior to the end of the required shooting period.

Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

1. Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:
2. Additional range assignments may be required until consistent weapon proficiency is demonstrated
3. Members shall be given credit for a range qualification after remedial training and a

- qualifying score is obtained
4. No range credit will be given for the following:
 - a. Unauthorized range make-up
 - b. Failure to qualify after remedial training

312.5 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Officer after each range date. Failure of any officer to sign in and out with the Rangemaster may result in non-qualification. The range shall remain operational and accessible to Department members during hours established by the Department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by officers of this department to verify proper operation. The Rangemaster has the authority to deem any privately owned weapon unfit for service. The officer will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Rangemaster.

312.6 MAINTENANCE AND REPAIR

Firearms carried on duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

312.61 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

Only certified armorers, under the direction of the Rangemaster are authorized to repair or modify any department-owned weapon. Any repairs or modifications to the officer's personally owned weapon shall be done at his or her expense and must be approved by the Rangemaster.

312.7 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 Code of Federal Regulations 1544.217):

1. Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes
2. Officers must carry their Department identification card and Oregon driver's license. Additionally, officer(s) when requested, must present their Identification to airline

officials when requested.

3. An official letter signed by the Chief of Police authorizing armed travel must accompany the officer(s). The letter must outline the officer's necessity to fly armed, must detail his/her itinerary, and should include that the officer(s) has completed the mandatory TSA training for law enforcement officer(s) flying while armed.
4. Officers must have completed the mandated TSA security training, covering officers flying while armed. The training shall be given by the department appointed instructor
5. It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter
6. Discretion must be used to avoid alarming passengers or crew by displaying a firearm.
7. Officers must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment
8. Officers should not surrender their firearm to anyone, but try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier
9. Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft

312.8 CARRYING FIREARMS OUT OF STATE

Pursuant to 18 United States Code 926B, full time sworn officers and qualified retired officers (See: Policy Manual § 220) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions:

1. The officer shall carry his/her Department identification whenever carrying such weapon.
2. The officer will remain subject to this and all other Department policies (including qualifying and training) and may not be the subject of any current disciplinary action.
3. The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
4. Officers are cautioned that individual states may still restrict or prohibit carrying firearms in certain areas such as government buildings, property and parks.

312.9 OUT OF STATE PEACE OFFICERS IN OREGON

Pursuant to 18 United States Code 926C, any full-time or retired out-of-state peace officer is authorized to carry a concealed firearm in Oregon subject to the following conditions:

1. The officer shall have in his/her possession a photographic identification from the issuing law enforcement agency which indicates that the officer has met the state's training and qualification standards within not less than one year prior to the date of issuance.
2. The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

3. Out-of-state peace officers are not authorized to carry a concealed firearm into government buildings or areas otherwise expressly restricted by state or local law.

ENACTED by the City Council on the 9th day of July, 2008, by the following votes: YEAS: -4- NAYS: -0-

DATED and signed by the Mayor this 21st day of July, 2008.

CITY OF CULVER, OREGON

By: Dan Harnden
Dan Harnden, Mayor

ATTEST:

By: Dama L. McInach
City Recorder