



Department of State Police

CHAPTER: 500.8
SUBJECT: USE OF FORCE
REVISED: August 7, 2000
SUPERSEDES: November 12, 1997

POLICY

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

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

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

RELATED LAWS/REFERENCES

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

DEFINITIONS

1. **Deadly Physical Force (ORS 161.015)** - "Deadly physical force" means physical force that under the circumstances in which it is used, is readily capable of causing death or serious physical injury.
2. **Non-Deadly Physical Force** - Any use of physical force other than that which is considered deadly physical force.
3. **Physical Force** - Actual physical contact with a person, and/or the use of chemical agents on a person, for the purpose of overcoming resistance to lawful authority.
4. **Physical Injury (ORS 161.015 sub.6)** - Impairment of physical condition or substantial pain.
5. **Serious Physical Injury (ORS 161.015 sub.7)** - Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

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

RULES

1. A sworn employee shall only use that force reasonably necessary in the performance of his/her duties in the following circumstances:
 - A. To make the lawful arrest of a person;
 - B. To prevent the escape from custody of a person lawfully arrested;
 - C. In self defense; or
 - D. In the defense of another person.
2. No sworn employee shall use unreasonable or excessive force upon or toward any person.
3. All use of force by sworn employees shall comply with current statute; and Department rules, policies, procedures, and training.
4. The degree of force used shall be the amount necessary to overcome resistance being employed by the person, or the immediate threat the person poses to the sworn employee or other persons.
5. Any force employed shall, whenever feasible, be progressive in nature. Situations may require the officer to proceed directly to a higher level of force as identified in the force continuum guidelines of this policy.

6. Unless other circumstances exist, sworn employees will use only the weapons, tools, techniques and training authorized by the Department.

PROCEDURES

1. Five Step Communications Procedures

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

2. Progressive Use of Force

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

- A. **Officer presence - Compliance is gained through the professional bearing and demeanor exhibited by the officer.**
- B. **Verbal - Compliance is achieved through tactical communication, i.e., the Five Step Communication Procedure.**
- C. **Empty hand/Control techniques - Compliance is gained through physical contact utilizing Department trained techniques to overcome resistance.**
- D. **Chemical agent - Compliance is gained through oleoresin capsicum (o/c) and/or any other Department approved chemical agent.**
- E. **Strikes and kicks - Compliance is achieved through the use of empty hand strikes and kicks in accordance with prescribed training.**
- F. **Impact weapons - Use of an impact weapon to gain compliance.**
- G. **Deadly Physical Force - The use of deadly or dangerous weapons in a manner, degree or to the extent that death or serious physical injury is a reasonable consequence.**

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3. Use of Deadly Physical Force

- A. Notwithstanding ORS 161.239, a sworn employee may use deadly physical force only when the officer reasonably believes the use of such force is necessary to:
 - 1. Defend the officer or another person from what the officer reasonably believes to be the infliction or threatened infliction of serious physical injury;
 - 2. Apprehend a person who the officer has probable cause to believe has committed, or is committing, a crime involving the infliction of serious physical injury;
 - a. However, where the suspect poses no threat to the officer or others of serious physical harm, the officer is not justified in using deadly physical force; or,
 - 3. Prevent the escape of a person from custody who the officer has probable cause to believe is inflicting, or threatening to inflict, serious physical injury as a means of escape.
- B. Deadly physical force may be used when and if, where feasible, some warning has been given.
- C. "Warning shots" are prohibited.
- D. Discharging a firearm at a motor vehicle constitutes the use of deadly physical force.
- E. When a sworn employee draws his/her firearm, baton, or other weapon as dictated by the totality of the circumstances, that act alone will not be considered "use of force" and does not necessitate notification to a supervisor.
- F. When a firearm is pointed at a person, the immediate supervisor shall be notified as soon as practicable.
- G. In addition to the circumstances previously outlined in this section, sworn employees may also discharge a Department authorized firearm:
 - 1. At Department sanctioned firearms practice or competitive shooting events; and
 - 2. In the destruction of an animal if it poses a threat to public safety or as a humanitarian measure if an animal is seriously ill or injured. (If unusual circumstances exist, i.e., prior intelligence for a search warrant, or an animal of obvious value, prior supervisor approval should be sought if feasible.) In all cases, a supervisor will be notified as soon as practicable.

4. Non-Deadly Use of Force

- A. Sworn employees are provided and authorized to carry and use tools and techniques to gain compliance under circumstances when the use of dangerous or deadly weapons is not justified. Examples of these tools include handcuffs, chemical agents, mini-flashlight and hand control techniques.

1. Use of these and similar tools and techniques are not considered use of dangerous or deadly weapons when the manner, degree or extent in which they are used, would not be expected to result in serious physical injury or death.
5. Training
- A. Deadly Weapons (Firearms)
 1. Current guidelines in Department policy for firearms training will be strictly adhered to while on duty.
 - B. Non-Deadly Weapons
 1. Current guidelines in Department policy for defensive tactics training will be strictly adhered to while on duty.
 - C. Sworn employees shall be instructed in various aspects of verbal and non-verbal communication, officer safety techniques, defensive tactics, and firearms which encompass the prescribed force continuum guidelines.
6. Use of Force Notification
- A. Any sworn employee involved in a "use of force incident" is required to notify his/her immediate supervisor as soon as practicable after the incident.
 1. If an officer is represented by the Oregon State Police Officers Association (OSPOA), the employee shall fill out the "Use of Force OSPOA Rights/Supervisory Notification Form" as formal notice that they understand their rights with respect to the use of force delivered.
 - a. The Use of Force OSPOA Rights/Supervisory Notification Form is attached to this chapter and may be reproduced.
 2. The represented officer's immediate supervisor shall ensure this form is utilized.
 3. The original Use of Force OSPOA Rights/Supervisory Notification Form will be retained at the station level.
7. Reporting Use of Force
- A. In circumstances other than those instances provided for in the Officer Involved Shooting or Major Incident Policy, all use of force incidents may be the subject of a supervisory investigation and/or a written report when:
 1. Use of force results in an apparent or reported injury;

2. A non-deadly weapon is used on a person (baton, chemical agent) or a strike or blow is delivered to the body;
 3. A firearm is discharged in the furtherance of the Department's mission, except for firearms training or practice; or when necessary to kill an injured animal as discussed in this policy; or
 4. A supervisor deems a report of the use of force is necessary.
- B. A supervisor will review the specific circumstances of the incident and determine if a report to General Headquarters through the chain of command is needed.
1. In all use of force incidents required to be reported, the Use of Force After-Action Report will be utilized.
 2. When the incident is minor in nature and the use of force was justified and the level of force used was the most appropriate, the supervisor should document the facts, and a supervisor's report to Headquarters may not be necessary.
 3. A copy of the Use of Force After-Action Report will be sent to the Office of Professional Standards via District Headquarters.
 - a. When applicable, a copy of the Use of Force OSPOA Rights/Supervisory Notification Form will be attached to the Use of Force After-Action Report.
 - b. The station will maintain the original Use of Force After-Action Report.
8. Department Response
- A. Deadly Physical Force incident
1. The Department's policy on Employee Involved Fatal or Serious Injury Incident will be followed.
- B. Administrative Review
1. All reported use of force incidents will be reviewed at the appropriate Department level of authority to determine:
 - a. If Department rules, policy, or procedures, were followed;
 - b. If the current and relevant rules, policy and procedures were appropriate and effective for the incident; and
 - c. If Department training was, and is, adequate.

2. Findings of rule or policy violations or training inadequacies shall be forwarded to the proper level of authority for appropriate disciplinary action and/or resolution.
3. An annual review and summary analysis of use of force incidents shall be conducted by the Office of Professional Standards.
4. Upon request, the summary shall be made available for public inspection by the Office of Professional Standards.
5. The Training Division will review the annual summary of use of force incidents to determine if training policies and procedures are adequate. The Training Division shall submit a report describing their findings.
6. Use of force reports shall be retained as required by state law.

USE OF FORCE

OSPOA RIGHTS/SUPERVISORY NOTIFICATION FORM

Name of Officer

Name of Citizen

/

ADVICE OF USE OF FORCE RIGHTS

I, _____, understand that I have the right to, and will be allowed to consult with, an Association representative or Association attorney prior to being required to give an oral or written statement about the use of force. Such right to consult with a representative or with counsel shall not unduly delay the giving of a statement.

I DO NOT WAIVE MY RIGHT

WAIVER TO USE OF FORCE RIGHTS

I waive my right to consult with an Association representative or Association attorney prior to giving an oral or written statement about the use of force.

Employee's Signature Date _____ Time _____

Supervisor notified: Date _____ Time _____

Supervisor's Signature _____

cc: Office of Professional Standards
District Headquarters

**Wallowa County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Use of Force & Deadly Force	Policy Number: 5.01
Issue Date:	Revision Date:
Approval Authority Title and Signature:	

POLICY:

Human life is sacred. Protecting innocent human life is the most important mission of the Wallowa County Sheriff's Office. Apprehending non-violent suspects and criminals is less important than protecting innocent human life, including the protection of the officer's own life.

Officers maintain a constant readiness and ability to act in instances where, in *their perception*, the use of force or deadly force may be appropriate. By maintaining readiness and capacity, officers reduce the likelihood of opposition and of the actual need for a forceful response of any kind. While *officer discretion* is critical, the need for accountability and control of police activities is necessary to limit abuses of authority. Officers only use the amount of force reasonably necessary to protect life and enforce the law under guidelines established by this policy manual.

DEFINITIONS:

Authorized weapon: A weapon approved by the department for sanctioned use by its officers. No weapon is authorized for carry or use by an officer unless the agency expressly approves it and the officer has demonstrated proficiency with the weapon type in accordance with agency guidelines.

Auxiliary weapons of availability: An officer may become separated from their agency issued firearm or secondary impact weapons. Should this occur, the officer might have access to a *weapon of opportunity*, including but not limited to a flash light, citation holder, handcuffs, or any object that could be used as a weapon in the defense of them self or another.

Baton or expandable baton: An impact weapon capable of inflicting bodily injury by striking with a portion of the weapon. Only batons authorized by the department are carried or used. Carrying or using saps, *Billy clubs* or *slapjacks* is prohibited.

Chemical weapon: Weapons capable of temporarily incapacitating a person through the

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controlled release of some chemical irritant or agent.

Certification with weapon: Officer has demonstrated proficiency with a particular weapon, and been tested in its safe care and use. The officer is thereby authorized to carry and use this weapon in the performance of his official duties regardless of whether the officer is on-duty or off-duty. Without such certification, the officer may not carry or use this or a similar weapon.

Deadly force: An action, with or without the use of a weapon, intended to cause death or serious bodily injury; or, the use of any object in a manner intended to cause death or serious bodily injury. (see ORS. 161.015 for definition.)

Electronic weapon: Weapons using short bursts of electrical energy to temporarily incapacitate a person without the intent of causing death or serious bodily injury.

Exigent circumstances: Conditions that are of such urgency and seriousness as to justify a warrantless entry, search, or seizure by police when a warrant would ordinarily be required.

Firearm: Any device designated, made, or adapted to expel a projectile through a barrel by using energy generated by rapidly expanding gases, or any device readily convertible to that use; including all handguns, rifles, and shotguns.

Force, non-deadly force, or less-lethal force: Actions not calculated under the circumstances to cause death or serious bodily injury.

Knife: Any edged weapon that is deigned to inflict serious bodily injury or death that stabbing, cutting, slicing, whether legal or illegal, and including swords, daggers, axes, hatchets, etc.

Less than lethal or intermediate weapons: Procedures or weapons that are designed to provide force, but usually less than deadly force. Less than lethal is sometimes referred to as less-lethal, or non-deadly force. Regardless of the name, officers know that any force, especially when applied under dangerous, tense, uncertain, and rapidly evolving situations, may cause harm, serious bodily harm or death, despite the best intentions of the officer.

Physical strength and skill: Any physical actions by one or more officers (e.g., holding, restraining, pushing, and pulling) which may include special skills (e.g., boxing, karate, and judo) but do not include the use of deadly force or any weapon.

Probable cause: Sufficient reason based upon known facts to believe a crime has been committed or that certain property is connected with a crime. Probable cause must exist for a law enforcement officer to make an arrest without a warrant, search without a warrant, or seize property in the belief the items were evidence of a crime. Probable cause is often subjective, but if the police officer's belief or even hunch was correct, finding stolen goods,

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the hidden weapon or drugs may be claimed as self-fulfilling proof of probable cause. Technically, probable cause has to exist prior to arrest, search or seizure. (see ORS. 131.005 for definition.)

Serious bodily injury: Harm that creates substantial risk of death, serious permanent disfigurement, or loss or impairment of any body function or organ.

PROCEDURES:

Levels of Use of Force:

Use of force or deadly force is controlled by the basic elements of a reasonable officer's perception and a reasonable officer's response. Officers may use only the level of force that is reasonably necessary to stop the perceived threat.

To better understand and explain *use of force* and force issues, officer *perceptions* and officer *force options* are illustrated in the Use of Force Continuum or *force continuum* that is located on the last page of this policy. This chart illustrates five levels of *perception* and five corresponding levels of *response*. Officers must be familiar with, and know how to apply and explain this compendium. Refer to the Use of Force Continuum, at the end of this policy.

Officer's general perception and corresponding force options are:

Level 1 – (Compliant). The suspect is perceived by the officer to be *compliant*. The appropriate level of response is *cooperative controls*, including *officer presence, hand signals, verbal commands and instructions, light touching or patting*, etc. In other words cooperation at this level is a *two way street*.

Level 2 – (Passively Resistant). The suspect is perceived by the officer to be *passively resistant*. The appropriate level of response is *contact controls*, including *strong or forceful soft hand, hand and arm holds, pressured physical movement of the suspect, removal*, etc.

Level 3 – (Actively Resistant). The suspect is perceived by the officer to be *actively resistant*. The appropriate response is *compliance techniques*. This is the threshold for any reasonable officer to consider this suspect to be a potential threat to himself, the officer, or other citizens. Compliance techniques may include *all reasonable* means to cause the *suspect to comply as soon as reasonably possible*. These techniques may include *use of chemical weapons, use of restraints, forced movement, forcing a suspect's limbs behind his back, forcing a suspect down on the floor or against a wall or using other forms of physical force*, etc. Once suspects are perceived as *actively resistant*, officers should not relax care until the subject is fully secured.

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Level 4 – (Assaultive & A Threat to Bodily Harm). The suspect is perceived by the officer to be assaultive – *and a threat to bodily harm*. The appropriate level of response is immediate *defensive tactics*. The original assaultive behavior may have been directed at a fellow suspect, apparent victim or the officer. *Defensive tactics* may include *impact weapons, hard fist, or any other reasonable means available* and at hand to stop the aggression, defend against the attack, and bring the suspect into compliance. It is contemplated and understood that reasonable officers, while employing defensive tactics, may cause injury, serious injury, and in some isolated instances, death without intending such consequences.

Level 5 – (Assaultive & Serious Threat of Bodily Harm or Death). The suspect is perceived by the officer to be *assaultive – serious bodily harm or death*. The appropriate level of response is *deadly force*. *Deadly force* includes firearms, knives, or any other means immediately available that a reasonable officer, in the same circumstance, would consider as potentially causing death or serious bodily injury.

Tactics, Applications, & Officer's Perceptions:

Level 1 – (Compliant). No or Slight Apparent Potential for Harm

Arrival & Presence: Officer present at the scene. This includes proper voice and/or other identification, body language, and awareness by the subject that he is dealing with an officer of the law. May also include presence of the officer's vehicle, seeing the officer in his uniform, hearing officer identification, etc. A reasoning person seeing and hearing these things will normally alter their behavior, and respond to the officers instructions.

Interview Stance: The officer adopts a stance outside his danger zone that provides appropriate protection and forms the basis of an effective physical response if attacked.

Level 2 – (Passively Resistant). Moderate Potential for Physical Harm

Dialogue Between Parties: A two way, controlled, non-emotional communications between the officer and the subject, aimed at a problem identification and/or resolution.

Verbal Direction: Officer asks, advises, or commands subject to engage in, or refrain from, a specific action or non-action.

Soft Hand Techniques: Officer may choose to employ some assistance in movement, compliance, or removal from the immediate scene.

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Level 3 – (Actively Resistant). Moderate Potential for Physical Harm

Restraint Devices: Mechanical tools used to restrict a subject's movement and facilitate searching such as, handcuffs, flex cuffs, leg irons, belly chains, optional nylon restraining devices etc.

Chemical Agents Individual Protection Devices: CS/OC spray agent used to subdue or bring a subject into compliance.

Transporters: Techniques used to control and/or move a subject from point A to point B with the minimum effort by the officer or, to gain and retain control over the subject.

Takedown: Techniques that redirect a subject to the ground in a controlled manner to limit physical resistance and to facilitate the application of a restraint device, and to prevent intentional injury to the subject.

Pain Compliance: Techniques that force a subject to comply with an officer, as a result of the officer inflicting controlled pain upon specific points in the subject's body, such as pressure point techniques.

Electronic Weapons: Weapons using short bursts of electrical energy to temporarily incapacitate a person. Level 3 applications of force, when properly employed. Such devices will not be used on persons suspected of having implanted medical devices such as pace makers or timed medical dispensing mechanism's.

Level 4 – (Assaultive & A Threat to Bodily Harm). Serious Potential for Physical Harm

Incapacitation: Techniques intended to stun or render a subject temporarily unconscious. These techniques may be an impact weapon, such as a strike to a major nerve area, or lateral vascular neck restraint,

Intermediate Weapon: Impact weapons that are primarily used to control a subject such as a baton, expandable baton, Taser, and/or police canine.

Level 5 – (Assaultive & Serious Threat of Bodily Harm or Death). High Potential for Great Bodily Harm or Death

Deadly Force: Techniques and implements that by their very nature are known to cause death or serious injury. To employ deadly force officers

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must perceive that an imminent threat to their life or the life of another is present.

Firearm Special Munitions: Special munitions fired, launched, or discharged from a service handgun, shoulder weapon, or vehicle mounted weapon constitute a Level 5 application of the use of force, and must be used with extreme care. Although often referred to as *less-lethal*, officers know that the *less* refers to *less of a chance of causing death or serious bodily injury*. Special munition rounds must not be deliberately fired or thrown at the face, chest, neck, or spine of any individual [For more information See: Policy 05.03 Special Munitions – Distraction Devices, & 05.04 Special Munitions – Less Lethal].

It is important to remember that almost all incidents faced by police are not scripted, easy to understand, or predictable as to outcome. Officers use their best effort to determine the threat level and apply the corresponding response. Time permitting, officers must use care in evaluating a suspect's actions and perceived threat level. If there is reasonable doubt and time permits, seek assistance before acting. Justification for the use of force and deadly force must be limited to what is *known or reasonably perceived* by the officer at the time of the incident. Facts unknown at the time force is used should not be considered later to determine whether the force was justified.

Officers may not intentionally use more force than is necessary and reasonable under the circumstances. Officers may never use force in response to mere verbal provocation or abusive language directed at the officer. Officers must never use deadly force, except to protect his life, or the life of other human being.

Application of Use of Force & Deadly Force:

Application of *deadly force* and *force* are authorized by a peace officer only to achieve the following lawful objectives:

1. To defend himself, or others against serious threats of serious bodily injury or death;
2. To stop dangerous felony flight, where there is serious imminent risk to the public of death or serious bodily injury;
3. To prevent roaming at large by obviously vicious animals; to relieve animals so badly injured that it cannot reasonably survive from injuries causing prolonged suffering; &

Application of *force* but not *deadly force* is authorized by a peace officer only to achieve the following lawful objectives:

1. To preserve the peace;
2. To defend themselves, or others against unlawful violence;
3. To prevent the commission of self-inflicted injury, or suicide by any person;
4. To make lawful arrests or searches; to overcome resistance to such arrests or

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- searches; and to prevent escape from custody;
5. To prevent or interrupt an intrusion on, or interference with the lawful possession of property; &
 6. To prevent roaming at large by obviously mad or vicious animals, or to relieve animals so badly injured that it cannot reasonably survive from injuries causing prolonged suffering.

Before using any force against a suspect, time permitting, officers must:

1. Have probable cause to arrest that suspect;
2. State his intentions to arrest, and identify himself as a peace officer; &
3. State the reason for the arrest.

The amount and degree of force officers may use to achieve an objective takes into consideration the following possible issues, if time and circumstances allow:

1. Nature and seriousness of the original offense committed by the suspect;
2. Nature and seriousness of the risk of injury to the officer or others;
3. Age, physical condition, and behavior of the suspect;
4. Relevant actions by any third parties;
5. Physical conditions (e.g., visibility) at the scene;
6. Feasibility and availability of alternative actions: &
7. Opportunity and actual ability of the suspect to injure the officer, himself, or others.

Before officers use force (but not deadly force) when protecting a person from self-inflicted bodily injury [suicide attempt] or from uncontrollable circumstances, the officer must consider other available alternatives to protect that person from harm.

Officers may use unauthorized objects as weapons, or use weapons in unauthorized manners if emergency circumstances make it necessary to protect human life and prevent serious injury.

Officers may draw and ready any authorized weapons for use only when they reasonably anticipate that they may have to use such weapon(s). This does not require officers to use the weapons.

Use of Non-Deadly Force:

Officers use physical strength and skill, restraint devices, chemical weapons, electronic weapons, or impact weapons to apply non-deadly force only.

Officers have no obligation to *retreat* or *back down* before resorting to approved use of force, including deadly force. Officers may consider retreat or withdrawal where delay could make a more peaceable arrest, or stop, likely if such tactics would not increase risk to him or others. In some cases, an increased show of force may reduce the amount of force necessary to accomplish the officer's objective.

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Officers may not attempt to affect arrests alone if there is substantial risk to himself from the arrestee or another party unless there are no available reasonable alternatives.

Officers use handcuffs or other restraining devices on all arrestees unless it is obviously unnecessary or impractical (e.g. the elderly, young juveniles, amputees, crippled, injured, or other applicable subjects). Officers must take reasonable precautions to protect arrestees from injury caused by handcuffs or other restraining devices. Only restraining devices and techniques approved by the sheriff may be used. Unless there is a medical reason or authorized by a supervisor, arrestee's or detainee's will be handcuffed with their hands behind their backs.

Officers may use chemical weapons for self-protection, or to subdue a person unlawfully resisting arrest. Any person on which a chemical weapon has been used must be treated or decontaminated for exposure to the chemical agent as soon as practical and thereafter monitored for possible latent effects.

Officers may use approved electronic weapons in accordance with this policy.

(Officers will not use a choke hold as a method of controlling or restraining a person.)

Officers may use impact weapons to protect him or another from assault or to arrest a person who unlawfully and violently resists arrest if lesser methods have failed, or if circumstances warrant the immediate use of the baton. However, officers should:

1. Avoid baton blows that are capable of inflicting serious bodily injury;
2. Not raise the baton above the head to strike someone or use the baton as a club or bludgeon;
3. Deliver only short snappy body blows to vulnerable areas in order to temporarily incapacitate subjects; &
4. Not deliberately strike the *face, head, neck, collarbone, spine, kidney area, solar plexus, knees, or elbows.*

Officers not trained and currently certified with impact weapons are not authorized to use flashlights or other similar devices as substitutes, except in extreme life-threatening emergencies.

Use of Deadly Force:

Deadly force may not be used under the following circumstances:

1. As a warning or threat;
2. With the intent to maim or cripple a person;
3. On a person who has not caused or threatened to cause serious bodily injury or death to another person, including the officer;
4. On a person who simply flees or evades arrest;

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5. At or from a moving vehicle, except in exigent circumstances, and only in an attempt to save human life;
6. Merely to prevent the destruction or theft of property; or
7. When the officer has any doubt as to the justification for using deadly force.

Reporting Use of Force:

Officers, who discharge a firearm, use chemical weapons, electronic weapons, impact weapons, special weapons, knives, or who cause bodily injury or death to other persons by use of force or deadly force must notify their direct supervisor immediately.

Officers are required to complete a written report detailing the circumstances surrounding the use of force incident.

In incidents where officers cause serious bodily injury or death through the application of deadly force, they first call for medical assistance, secure the scene as well as possible, and then notify their direct supervisor. Upon arrival, the supervisor takes charge of the scene along with any investigation concerning the incident and report the incident to the Sheriff.

In incidents involving the use of force, all officers assist in every way possible with the investigation. Any report required by this policy receives executive review in an effort to:

1. Protect the integrity of the facts and the evidence;
2. Ensure that the officer's use of force complied with all appropriate state and federal laws, and department policy;
3. Determine if the officer's use of force indicates a need for special counseling, training, or disciplinary action;
4. Determine whether the situation requires further action; &
5. Evaluate the need for additional, or future, training.

Reporting Requirements:

The Sheriff must be notified immediately when any type of deadly force is used and there are resulting *serious physical injuries or death*.

Each officer who witnessed the incident or responded to the scene must complete a written report. These witness reports must be completed no later than the conclusion of the shift in which the incident occurred and filed with the Undersheriff.

The officer(s) who actually used or employed the deadly force will be relieved of duty and transported to the station. At the time the officers are relieved of duty the weapon(s) used in the incident are collected and tagged as evidence. The Undersheriff or next senior supervisor at the scene instructs the officer(s) who used deadly force to:

1. Refrain from making any statements to the news media, other officers, or supervisors;

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2. Refrain from discussing the matter between officers or witnesses [if more than one officer];
3. Return directly to the station; &
4. Refrain from completing any reports or statements for at least twelve [12] hours.

When the officer arrives at the station, investigators debrief the officer and advise Undersheriff of their findings. Thereafter the officer(s) are transported home. The officer is to be given the opportunity to receive counseling if they or the department request it. Upon return to duty the next day, the officer(s) involved in the deadly force incident must complete his report and make all required statements. The officer(s) provide all required information as if a witness to the incident, first hand *perception of events* at the time, and the *corresponding force options used*. Special attention must be given to any deviation from this policy.

All reports completed by the officers using force, other officers or witnesses must include the following:

1. A description of the events leading to the use of force or deadly force;
2. The original offense or *probable cause* for the stop or action;
3. An accurate description of the incident and reasons for employing force;
4. A description of the weapon or device used and the manner in which it was used;
5. A description of the injuries suffered, and the treatment given or received;
6. A list of all participants and witnesses to the incident; &
7. A copy of all incident reports compiled because of the incident.

The Sheriff formalizes criteria for reporting incidents. Reports of all injuries are filed in the central file and the employee's personnel record.

Weapons Control & Issue:

Officers must register all firearms carried on-duty or off-duty, and only carry or use authorized duty weapons, firearms and ammunition under these standards:

1. Firearm is registered with the department.
2. Specific firearm and ammunition *manufacturer, type, and caliber (or mm)* are approved for use by the Wallowa County Sheriff.
3. Firearms have been inspected, fired, and certified safe by the department's firearms instructor.
4. The officer has demonstrated proficiency and been certified in the last twelve [12] months in the use of all weapons and ammunition he carries on-duty or off-duty.
5. Officer qualifies with the same weapon and type of specific ammunition [caliber, bullet weight, bullet design, and powder load] actually carried on duty.
6. If a different firearm is carried off-duty, the conditions of 1-5 above apply to the off-duty weapon(s).

Officers may not modify or alter an authorized weapon in any material way without Agency

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approval.

Firearms & Weapons Demonstrations of Proficiency:

The firearms & weapons instructor trains and mentors all officers in completing *demonstrations of proficiency* in the use of their primary and secondary firearms, as well as any off-duty firearms, and other weapons carried in the performance of official duties. Demonstration for all weapons [*firearms, batons, expandable batons, control sticks, chemical agents, electronic devices, knives, special munitions delivery systems, etc.*] authorized and carried by department officers must be conducted on a recurring basis. For further detail on weapons demonstration of proficiency refer to the *firearms demonstration of proficiency policy*.

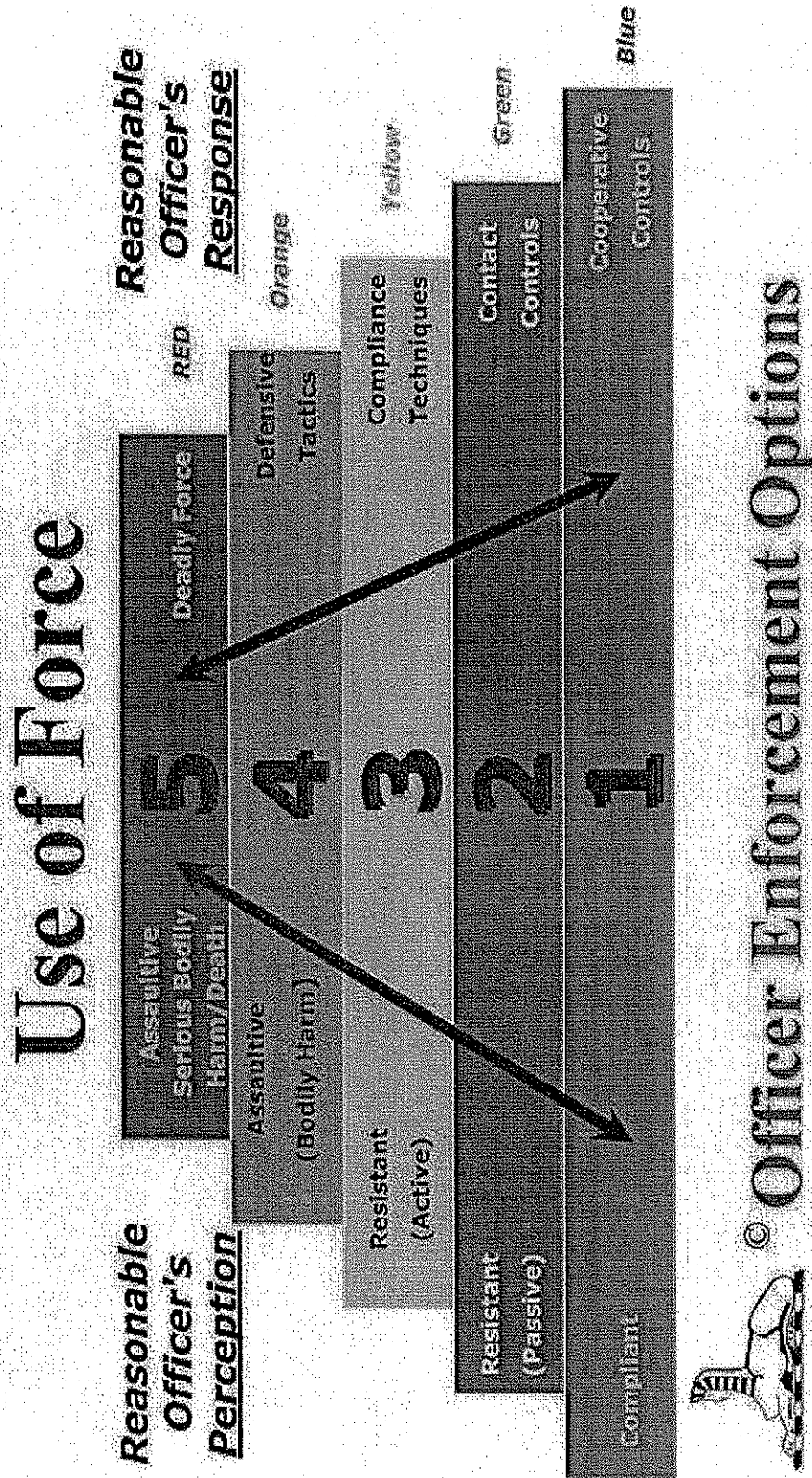
Under no circumstance may officers not having demonstrated proficiency with their weapons be allowed to carry or use those particular weapons. In particular, to carry and use *handguns, shotguns, OC spray, straight baton, PR-24, expandable baton, or electronic device*. Officers must annually *demonstrate proficiency* with each weapon, subject to the approval of the weapons instructor.

Allegations Against Staff:

The Undersheriff, or Internal Affairs Unit, investigates all allegations of improper use of force & deadly force, after notifying the Sheriff. In cases where possible criminal acts are involved, the appropriate law enforcement agency or prosecutor office must be notified.

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**Wallowa County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Post-Shooting Incident	Policy Number: 4.22
Issue Date:	Revision Date:
Approval Authority Title and Signature:	

POLICY:

Law enforcement duties can often expose officers and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping techniques. Unless adequately treated, these situations can cause disabling emotional, mental, and/or physical problems. Officer-involved shootings resulting in death or serious bodily injury to citizens or fellow officers may trigger stress disorders. It is the responsibility of The Wallowa County Sheriff's Office to provide personnel with information on stress disorders, and to guide and assist in their prevention. It is the policy of this agency to take immediate action, after traumatic incidents, to safeguard the mental health of all involved personnel.

DEFINITIONS:

Post-Traumatic Stress Disorder: An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.

Officer-Involved Shooting Incident: A line-of-duty incident where a shooting causes death or serious bodily injury to an officer or other person.

PROCEDURES:

Handling of Officers at Scene of Shooting Incident:

The supervisor on the scene of the incident will:

1. Request necessary medical assistance;
2. Move the officer(s) involved to a quiet location where a peer counselor may be available;
3. Prohibit use of caffeine, other stimulants, or depressants by the officer(s) involved, unless directed by medical personnel;
4. Interview the officer(s) involved regarding facts of the incident, although a more detailed debriefing will be conducted at a later time;

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5. Notify the officer(s) involved that an investigation will occur concerning the incident, and that they may seek legal counsel;
6. Advise the officer(s) involved to refrain from discussing the incident with anyone, except a personal or agency attorney, union representative, or department investigator, until the preliminary investigation is concluded;&
7. Determine whether the circumstances of the incident require the officer's duty weapon be taken for laboratory analysis. When the duty weapon is taken, the supervisor will:
 - a. Discretely take custody of the officer's weapon; &
 - b. Replace the officer's weapon with another weapon, or advise the officer that it will be returned or replaced at a later time, as appropriate.
8. Allow the involved officer(s) to notify their families about the incident as soon as possible. When the officer(s) is unable to do so, an agency official personally notifies the family, and arrange for their transportation to the hospital.

Post-Incident Procedures:

All officers directly involved in the shooting incident are required to contact an agency-designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel are also encouraged to contact the specialists after shooting incidents. After the counseling sessions, the specialist advises the agency:

1. Whether it is in the officers' best interest to be placed on administrative leave or light duty, and for how long;
2. When the officer's duty weapon should be returned; &
3. The best-continued course of action going forward.

The agency will:

1. Remove involved officers from their duties, pending evaluation, while maintaining their availability for any necessary administrative investigations;
2. Encourage the families of the involved officers to take advantage of available counseling services;
3. Investigate the incident as soon as practical;
4. Brief other agency members concerning the incident to minimize rumors. Agency members are encouraged to show the involved officers their concern;
5. Respond to media inquiries, and release information regarding the incident as described in the Media Relations procedures; &
6. Require each officer directly involved in the incident to re-qualify with their duty weapon prior to re-assignment to duty.
7. Will re-evaluate the officer's demeanor and mental stability on a casual basis at least once a year or as deemed necessary,

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Officers should:

8. Have phone calls answered by someone else for several days, if their names are released to the public.

Daily Stress Recognition:

Post-traumatic stress disorders may not arise immediately, and officers may attempt to hide problems. Supervisors are responsible for:

1. Monitoring the behavior of unit members for symptoms of the disorder; and
2. Ordering officers to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting job performance.
3. Other officers who work with an officer that has been involved in an on duty shooting should be aware of any changes in the behavior. This behavior change should be relayed to that officer's supervisor. Changes may be small and over a long period of time.

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CHAPTER 13. PHYSICAL FORCE, DEADLY FORCE AND FIREARMS

13.1 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.

13.2 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.

13.2.1 USE OF FORCE CONTINUUM DEFINED. The Use of Force Continuum 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 Use of 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 person 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 you 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, shank) 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 in uniform.
- 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, controlling a subject with an escort hold ~~_____~~
- d. PHYSICAL CONTROL. Use of pressure points, joint manipulation techniques, physical control holds, hair takedowns, electronic stun devices, temporary restraints and Oleoresin Capsicum.
- e. SERIOUS PHYSICAL CONTROL. Use of Mace (CN/CS), focused blows, impact weapons, less lethal munitions and carotid restraint.
- f. DEADLY FORCE. Any force readily 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, M26 Taser and aerosol irritants (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 ASP 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, headlock, 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 Use of 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 Use of Force Continuum concept, officers will respond lawfully by using only the force necessary to control a situation.

Levels of force that may be applied 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.

**DPSST
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	NECK RESTRAINT IMPACT WEAPONS FOCUSED BLOWS MACE (CN/CS) LESS-LETHAL MUNITIONS (PROJECTILES)	O C R E S T R A I N T S	O M I N O U S A C T I V E S T A T I C
IV	PHYSICAL CONTROL	HAIR TAKEDOWN JOINT TAKEDOWN DIGITAL CONTROL JOINT COMEALONG PRESSURE POINTS ELECTRONIC STUN DEVICE TEMP. RESTRAINTS		
III	PHYSICAL CONTACT	ESCORT POSITION DIRECTIONAL CONTACT	VERBAL NONE	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		C O M P L Y I N G

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

13.2.3 HAND 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 second level of force, which is the use of hand control or an aerosol subject restraint. When using hands or aerosol subject restraint, 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 or a Kubotan-type device. 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 the he or she will be unable) to control a subject by use of hand 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 prior to making actual physical contact where there is a likelihood of injury to the officer or any other person.

13.2.4 AEROSOL SUBJECT RESTRAINT. The use of Oleoresin Capsicum to subdue 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 officers fear potential injuries to the officers, the arrestee, or others present. Its use may be appropriate at the "physical control" and "serious physical control" levels of the Force Continuum because its use is situational based on the totality of circumstances. The officer 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. Before an officer is authorized to carry or use this device, the officer must successfully complete a department approved course by a certified instructor.

13.2.5 ELECTRONIC RESTRAINT DEVICES. The use of a department approved electronic restraint device is designed to temporarily stun, restrain or incapacitate a suspect resisting arrest or is otherwise combative by electronic shock. Electronic restraint devices are authorized when resistance or threats of violence represents potential escalation of necessary force and officers fear potential injuries to the officers, the arrestee, or others present. Its use may be appropriate at the "physical control" and "serious physical control" levels of the Force Continuum, because its use is situational based on the totality of circumstances. Before an officer is authorized to carry or use this device, the officer must successfully complete a department approved course by a certified instructor.

13.2.6 BATONS/NIGHTSTICKS. Officers may employ standard manufactured batons/nightsticks, capable of being carried on the uniform duty belt, which shall not be weighted or otherwise modified. Batons/nightsticks will be used in a manner consistent with Department training. Officers must receive orientation and familiarization training prior to being authorized to carry, display or use a baton as a defensive (to protect the officer against the illegal use of force) or tactical weapon (to deliver focused blows or as impact weapon). Only approved strike points will be aimed at, as taught in authorized training. Batons may be used as non-impact controlling devices as taught in training. Before an officer is authorized to carry or use this device, the officer must successfully complete a department approved course by a certified instructor.

13.2.7 LESS-LETHAL MUNITIONS (PROJECTILES). Ammunition fired from a firearm or similar device that is designed and developed to be launched at human targets, with a lower probability of producing fatal results. The projectiles are designed to stun or incapacitate a suspect temporarily without penetrating the body or causing serious physical injury/death. These projectiles can cause similar injuries as traditional police impact weapons; therefore, their deployment falls under "serious physical control" on the Force Continuum. Only personnel who have successfully completed a departmentally approved training course in the proper use and deployment of these munitions shall be authorized to deploy them during actual operations. Officers must successfully complete a yearly refresher course to remain authorized in the deployment of these munitions. The only time these munitions are to be deployed without supervisor authorization are in tactical operations conducted by the Critical Incident Response Team (CIRT) or exigent circumstances. Before an officer is authorized to carry or use this device, the officer must successfully complete a department approved course by a certified instructor.

- A. Some situations that may call for the use of less lethal impact munitions are:
1. Violent subject armed with a non-traditional weapon.
 2. Jail or civil disturbances.
 3. Suspect armed with a knife or similar edged weapon.
 4. Armed suicidal subject attempting to make officers shoot him/her to achieve suicide.
- This is not an all-inclusive list. It would be impossible to list every justified scenario. Consequently, Officer discretion and training will dictate the use.*
- B. Once a subject is struck with a less lethal munition, he/she should be examined by on scene paramedics or transported to the nearest hospital for medical treatment before taking him/her to jail.
- C. Each part of the suspect's body that is struck with a less lethal munition will be photographed to document the existence or lack of physical injury.
- D. Anytime the less lethal munition is deployed, appropriate documentation will be made. The report will follow the same format as listed in section 13.3.2.

13.2.8 CAROTID CONTROL. The carotid control hold is utilized to overcome aggressive resistance in which a lower level of force is ineffective or inappropriate under the circumstances. Because improper application may cause death, officer may only apply the carotid restraint as a last resort before utilizing deadly physical force.

13.2.9 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 Section 13.4.1.

13.3 USE OF PHYSICAL FORCE.

13.3.1 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 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.

13.3.2 REPORTING USE OF PHYSICAL FORCE. Whenever an officer must employ an amount of force that causes injury in the course of effecting 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 the report form on page 106 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 led 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. The use of force report form will be placed in the case file.

FIELD USE OF FORCE REPORT

Reporting Officer _____ Primary Officer _____

Other Officers Involved _____

Type of Call _____ No. People Involved _____

Date _____ Time _____ Shift _____ Case _____

Location _____ Inside/Outside _____

Use of Force: _____ Physical Control _____ Serious Physical Control
_____ Deadly Force (Force Continuum Policy 13.2.1)

Suspect No. 1 Name _____ DOB _____ Sex _____

Hgt. _____ Wgt. _____ Charges _____ Lodged _____ Yes _____ No

Suspect No. 2 Name _____ DOB _____ Sex _____

Hgt. _____ Wgt. _____ Charges _____ Lodged _____ Yes _____ No

Narrative: _____

Officer's Signature _____ BPSST# _____

(NOTE: PRIMARY OFFICER ONLY--attach copies of all reports/submit to immediate supervisor, if unavailable, next oncoming supervisor)

SUPERVISOR USE ONLY

Deviations from Department Policies or rules? Yes _____ No _____

Narrative: _____

Supervisor's Recommendation _____

Supervisor _____ BPSST# _____ Date _____

(Upon supervisor's review, forward to Division Commander)

13.3.3 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.

13.3.4 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 13.2.6 of this manual shall apply.

13.3.5 AEROSOL & ELECTRONIC STUN RESTRAINTS. Officers may utilize authorized Oleoresin Capsicum aerosol restraint spray and electronic stun devices following the orientation and training regarding the use, its effects, means of delivery and first aid to be administered. Prior to using the chemical agent or electronic stun device, the officer will advise the subject to that non-compliance will result in his/her being subject to the appropriate restraint device. Following the use of 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. Following the use of electronic stun devices, the electrodes will be removed and non-obtrusive photographs will be taken. Electrodes will not be removed from the head, groin or female breasts by anyone other than a medical nurse/doctor. Officers must complete an Oleoresin Capsicum/Electronic Stun Device Documentation form outlining details of use. 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 whom is present. Electronic stun devices will only be used on humans.

Whenever a chemical agent or electronic stun device is used, the officer will submit a report, in the form set forth on page 108 of this manual.

13.3.6 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.

13.3.7 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. All such equipment should be considered a tool and not be used as a weapon.

13.3.8 LESS-LETHAL PROJECTILES. Officers may utilize department approved less-lethal projectiles, which are fired from the specially marked shotguns following orientation and training regarding the use, effects and means of delivery. Prior to using the less-lethal projectiles, the officer will advise the subject that non-compliance will result in his/her being shot with a projectile. Following the use of less-lethal projectiles, the subject shall be provided appropriate medical treatment. Photographs will be taken of injuries, and a use of force report will be completed.

13.3.9 CAROTID RESTRAINT. A carotid restraint is a physical restraint when properly 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 the arteries.

- A. The carotid restraint is a tried and proven method of controlling a resisting prisoner in a humane and non-lethal manner when properly applied. The carotid restraint shall be considered a viable alternative to the use of deadly physical force.
- B. The carotid restraint shall be applied in keeping with the officer's training in such manner that the blood flow through the carotid arteries is restricted, and that the trachea is not damaged or restricted. Arm bar or choke holds shall not be recognized as appropriate restraining methods and shall not be normally used.
- C. When the carotid restraint is used, it shall be applied only until resistance has ceased and the prisoner may be controlled by other means.
- D. Following the use of the carotid restraint, the prisoner shall be closely monitored until the officer is sure that respiration and heartbeat are functioning and no medical emergency exists. Should the officer determine the need, emergency medical procedures shall be started immediately and an ambulance summoned.

Carotid holds constitute deadly force. It is the policy of this Department that a carotid hold will not be applied to any person except in 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.

A person will be rendered unconscious only when the use of deadly force is authorized. **ONLY THOSE OFFICERS TAUGHT THE USE OF "CAROTID HOLD" 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).**

Medical attention by qualified medical personnel shall be sought and administered following an unconscious state, which is the result of the application. A Use of Force report shall be completed whenever the carotid hold is used.

13.4 USE OF DEADLY PHYSICAL FORCE.

13.4.1 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 a 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.

13.4.2 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 13.2.1. 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 a 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 decides 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.

13.4.3 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 effecting 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 effect 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:
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.

13.5 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 firearm 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 firearm accidentally or intentionally, either on or off duty within the City, except under circumstances, which are not subject to investigation under Section 13.4.2, 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 are 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. Officers should prepare themselves in advance for the shock of a traumatic incident and the compounding affect of the investigation that

follows. Every police officer must recognize that becoming subject to a firearms investigation is a consequence of the accountability we must demonstrate as a result of the substantial prerogatives society vests in its police.

- d. As provided in Section 8.5.4, officers involved in significant incidents may be asked to detail their actions surrounding the incident in a special report prior to leaving work following the incident (unless injured; then the special report shall be completed as soon as practical). The special 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 special 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/or 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, Section 5.32.

- 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 13.4.2 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's 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 ranking officer at the scene shall have the discretion to direct the officer involved to respond to another location.

3. Supervisors shall notify the Chief of Police and 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 13.6.
 - d. Direct further investigation.

- e. Direct the investigation concluded and return the officer to duty.

13.6 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 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.

13.7 AUTHORIZED FIREARMS. Authorized firearms for use listed in the following categories will be fully loaded with Department ammunition, kept clean and in good working order.

- A. **Uniform duty firearms** shall be approved by the Chief of Police.

- B. **Nonuniform duty firearms** shall be 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 of Police, 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 firearms record book.
- E. **Authorized Shotguns** shall be a 12-gauge pump action (slide action) of Remington manufacture, with a minimum barrel length of 16" to a maximum barrel length of 20" and have a minimum magazine capacity of four (4) rounds of ammunition. The patrol shotgun stocks are black in color. The less-lethal shotgun stocks are orange in color. 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.

13.7.1 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. Off-duty weapons/firearms shall meet the following specifications: any sidearm capable of firing at least five (5) rounds and certified as safe in writing by the Department Rangemaster and properly registered with the Department will be authorized for off-duty after the member has qualified annually on the Departmental course of fire with the weapon.

13.7.2 OFF-DUTY AMMUNITION. Only Department approved ammunition will be used in the Department authorized off-duty weapon and will be furnished by the officer.

13.8 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. The Department will furnish, on an annual rotation basis, all duty ammunition carried by employees. Other than for training or practice, officers shall carry Department issued, factory-loaded and unaltered ammunition while carrying such a firearm on duty. Practice ammunition for duty weapons shall be furnished by the Department and will be equivalent to duty ammunition. All shotgun ammunition shall be provided by the Department.

13.8.1 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.

13.8.2 EXTRA DUTY AMMUNITION. All uniform officers shall carry at least two loaded magazines/speedloaders. All other nonuniformed officers shall carry a minimum of one magazine/speedloader for the authorized firearm. All officers may carry additional authorized shotgun or handgun rounds, as authorized, in their briefcase.

13.9 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 used or discharged by an officer in the line of duty regardless of whether the discharge was accidental or intentional or if anyone was injured.

13.10 MAINTENANCE AND CERTIFICATION OF FIREARMS. Each officer shall see that his or her 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 armorer. 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, 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. All personally owned authorized firearms will be adjusted and repaired at the owner's expense by a gunsmith.
- J. All authorized firearms shall be inspected by the Rangemaster for proper functioning at least twice annually and the results noted in a logbook, which will be maintained on each firearm. The logbook will be maintained by the Department Rangemaster.
- K. Officers will not alter or adjust (other than sight alignment) any authorized firearm.

13.11 SHOTGUN ISSUANCE AND INSPECTION. Each officer shall inspect the shotgun issued 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 supervisor, along with a written explanation of the problem. The supervisor will then issue the officer another shotgun, if one is available. The supervisor will then forward the information on the malfunction to the 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 approved and issued ammunition.

When the Department vehicle is removed from service for maintenance, the shotgun will be removed from the unit, unloaded and placed in a secure locker (#37).

13.11.1 SHOTGUN RECORDS AND MAINTENANCE. The serial number of each Department-owned shotgun will be entered into a log and kept by the Rangemaster.

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.

13.11.2 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 a clearing barrel while loading or unloading.

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

13.13 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 be well trained in the handling of firearms as well as laws governing their use.

13.13.1 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 of all assigned police firearms. The Rangemaster shall coordinate such training for all officers, including reserve officers, which shall include, but not be 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

Classroom training shall be conducted annually.

13.13.2 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 Department 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 a suspension of duty or termination of employment; and
- E. Minimum qualifications to carry a firearm either on or off-duty will be established by the Department Rangemaster and will be based on the nature of the course.

13.13.3 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 two times a year in lighted and non-lighted conditions.
- 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 patrol shotgun and less-lethal 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 a supervisor or his designee.
- E. Ammunition. Ammunition for mandatory qualifications will be furnished by the Department with the exception of ammunition for off-duty and back up 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 precede the mandatory qualification and course to be fired.
- H. Course of Fire And Targets. These shall be determined by the Department 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 reschedule a make-up within 30 days of designated shoot. Failure to do so may result in disciplinary action.

- J. Record of Training. A 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.

13.13.4 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."

13.13.5 FAILURE TO QUALIFY. The Rangemaster 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.

13.13.6 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.

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

- A. No officer shall discharge a firearm at the range except during scheduled qualifications, organized shoots or without 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-automatic 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 during qualification shoots, keep the firearm pointed downrange and notify the Rangemaster before opening the cylinder or action. This safety measure does not apply to courses of fire where multiple officers are not engaging targets at the same time.
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. This directive is a safety precaution that only applies when there are multiple shooters on the firing line at one time.
28. If any officer attending the range does not fully understand any direction or command of the Rangemaster, they shall immediately raise their hand and request the direction or command be clarified.

13.15 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 firepower 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.

13.16 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 Rangemaster 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.

13.17 SPECIAL RESPONSIBILITIES OF RANGEMASTER. 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.

Wallowa District Attorney

From: City of Joseph [cityofjoseph@eoni.com]
Sent: Monday, June 23, 2008 11:59 AM
To: wcda@co.wallowa.or.us
Subject: Meeting for Thursday

CITY OF JOSEPH

P.O. Box 15

201 North Main Street

Joseph, OR 97846

PUBLIC NOTICE

Mayor Kite Martin is calling a Special Meeting for Thursday, June 26, 2008 at Joseph City Hall 6:45 p.m. for consideration and approval of Deadly Physical Force Plan as presented by Wallowa County Deadly Physical Force Planning Authority.

Following the Special Meeting, starting at 7:00 p.m. is the Budget Hearing for Fiscal Year 2008-2009.

Those with an interest are welcome to attend.

Peggy Kite Martin

Mayor

