

CITY OF THE DALLES POLICE DEPARTMENT

CHAPTER 011

USE OF FORCE

011.106.000 HAZARDS TO OFFICERS AND USE OF FORCE

011.106.010 PURPOSE

To establish policy and procedure for the use of physical force and reporting of incidents involving the use of force.

011.106.020 POLICY

Members shall not use physical force against another person except when it is necessary to overcome resistance while affecting an arrest, preventing an escape, restricting the movement of a prisoner, in self defense or defense of another person from physical harm. Members shall employ only that amount of physical force absolutely necessary to overcome resistance in accordance with this policy, county, state, and federal statutes. The mistreatment of persons and unnecessary use of force, is prohibited

A system of recording data on how often and to what extent officers are subjected to hazards, and how often and to what extent officers are required to use force, is appropriate to an efficiently operated law enforcement agency. Such a system can contribute to identifying training aids, reducing unnecessary lawsuits, and gauging the environment within which the department is required to operate.

1. The data needed will be obtained from the Use of Force Report, which department personnel are required to submit when force is used.

011.106.030 DEFINITIONS

Hazard An incident requiring the use of force by an officer against a person, animal, or property.

Physical Force The exertion of physical strength, weight, power, or energy against an individual, or the destruction of property.

Non-Exclusive examples of the use of force

1. When a blow is struck by an officer.
2. When a person is rendered unconscious or semi-conscious, when a sleeper hold is used by an officer.

3. When a person sustains a cut, bruise, contusion, abrasion, or other physical injury as a result of use of physical force by an officer.
4. When a person complains of an injury as a result of an alleged use of physical force by an officer.

Resistance: The act of exerting physical energy to resist being controlled, subdued, arrested, or otherwise restricted by an officer, or to overcome resistance.

011.106.040 CRITERIA FOR THE USE OF FORCE REPORT

The Use of Force Report is required in addition to any other reports whenever any of the following have been used:

1. Firearm discharge and any situation where a firearm is used as a means to control the action of an individual by pointing the firearm at the individual.
2. Baton
3. Mace or other chemical weapon
4. Flashlight when used as a weapon
5. Any other weapon
6. Where physical force is used to restrict the movement of, or subdue an individual (See examples above). Mere handcuffing of an individual does not require submission of a Hazard Report.

Use of Force Reports must be submitted for an occasion on or off duty in which an employee of the department uses force while acting in an official capacity.

If any member has a doubt as to whether a Use of Force Report is necessary, he shall contact his immediate supervisor for advice, and note his supervisor's opinion in his incident report.

Whenever a situation requires a Use of Force Report, members shall adhere to the following procedure:

1. As soon as practical, but no later than the end of that work shift, notify an on-duty supervisor or Sergeant who shall review and investigate the incident.
2. Submit a detailed account of the use of force to the officers immediate supervisor on a Use of Force Report.

The investigating supervisor shall: Investigate the circumstances requiring the use of force; (2) determine whether a Use of Force Report is required; (3) take appropriate steps to initiate disciplinary action where the amount of force is determined to be unnecessary; (4) include the results of the investigate on the Use of Force Report, and forward it along with all other related reports to the Captain for review and written comment, who shall in turn, forward it to the Chief of Police.

The Captain shall review the incident, attach his comments to the Use of Force Report and personally deliver the completed file to the Chief of Police.

THE USE OF FORCE REPORT IS NOT TO BE DUPLICATED OR REPRODUCED IN ANY FASHION AND UNDER NO CIRCUMSTANCES SHALL THE USE OF FORCE REPORT BE SENT TO RECORDS.

011.106.050 REVIEW AND DISPOSITION

All Use of Force Reports and accompanying documents shall be reviewed by the Chief of Police for a final determination on the appropriateness of the action taken.

If the use of force is determined to be justified, the Chief of Police shall place the Use of Force Report in a secure area in the Chief's office. No record of the incident shall be maintained in the member's personnel file.

If the use of force is determined by the Chief of Police to be appropriate or unjustified, he may take such action as is appropriate.

The making of the Use of Force Report does not relieve the officer from putting all facts in the original incident report file.

011.106.060 DAMAGE TO PROPERTY

If in the course of their duties, members use force that results in the damage to property, that fact shall be reported as prescribed by their supervisor. No Use of Force Report, unless otherwise required by this chapter, need be submitted.

Force Continuum

Level of Force		Method of Force		Level of Resist	Threat
VI	Deadly	Any force readily capable of causing death or serious physical injury		Lethal	R E S I S T I V E
V	Serious Physical Control	Impact Weapon Focused Blows Electrical Stun Mace (CN/CS/OC)	O C R E S T R A I N T S	Ominous	
IV	Physical Control	Hair Takedown Joint Takedown Digital Control Joint Comealong Pressure Points Temp Restraints		Active Static	
III	Physical Contact	Escort Position Directional Contact		V e r b a l	
II	Verbal Communication	Direct Order Questioning Persuasion			
I	Presence	Display of Force Option Body Language/Demeanor Identification of Authority			
					U N D E C I D E D
					C O M P L Y I N G

WASCO COUNTY SHERIFFS OFFICE

Chapter A11

USE OF FORCE

A11.00 USE OF FORCE.

It is the policy of this Agency that members shall only use the amount of force that reasonably appears necessary, given the facts and circumstances perceived by the deputy at the time of the event, to effectively control an incident or person(s).

A11.01 DEFINITIONS

As used in this chapter:

“Active resistance” is when the threat physically resists by pulling away, attempting to escape, or powering through a control hold.

“Chemical agent” means any substance designed for and readily capable of causing temporary incapacitation or impairment of physical condition.

“Correctional facility” for the purposes of this chapter, means any place maintained and used for the confinement of persons charged with or convicted of a crime or otherwise confined under a court order. This includes the interior or perimeter of such facilities, any vehicles used to transport prisoners, and any exterior area where a prisoner is supervised by a NORCOR Corrections Officer. “Correctional facility” does not include a juvenile facility.

“Dangerous weapon” means any instrument, article, or substance which under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury.

“Deadly physical force” means any force that under the circumstances in which it is used is readily capable of causing death or serious physical injury.

“Deadly weapon” means any instrument, article, or substance specifically designed for and readily capable of causing death or serious physical injury.

“Deputy” means any Wasco County “Deputy Sheriff”, “Reserve Deputy Sheriff” and “Parole and Probation Officer”.

“Deputy Sheriff” means any person as provided by ORS 161.015(4), or any person the Sheriff has designated as a peace officer pursuant to ORS 204.635.

“Electronic Stun Device” refers to a less lethal system capable of delivering electrical energy designed to temporarily subdue persons without causing serious injury or death.

“Excessive force” means a degree of force not authorized or justified by the provisions of this chapter or by law.

“Inmate” means an individual convicted of or arrested for an offense and confined in a place of incarceration or detention.

“Involved member” means any Sheriff’s Office member whose use of physical or deadly physical force in the performance of his or her job duties is the subject of an investigation.

“Less lethal munitions” are a Wasco County-approved round of ammunition designed to be less lethal than standard duty ammunition. Less lethal munitions are not intended to produce deadly effects; however, they can cause serious injury or death and should not be considered non-lethal.

“Lethal resistance” is any force, under the circumstances in which it is used, readily capable of causing serious physical injury or death.

“Ominous resistance” is when the threat displays menacing behavior or assaults (bites, pushes, strikes, etc.), or attempts to assault.

“Physical force” means the exertion of physical strength, weight, power, or energy against another person.

“Physical injury” means impairment of physical condition or substantial pain.

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

“Static resistance” is when the threat refuses to comply by balking, becoming dead weight, and/or grasping a solid structure.

“Threat” means any person resisting arrest or being lawfully controlled, and/or demonstrating the intent, and having the means and opportunity to inflict injury, serious physical injury, or death.

A11.02 USE OF FORCE CONTINUUM (Options)

The use of force continuum is a graphic description of the escalation and de-escalation of force by members of the Sheriff’s Office in response to actions taken by a suspect or offender. It serves to illustrate the legal duty of a Sheriff’s Office member to use only reasonable force in response to the threat reasonably perceived by the member.

A11.03 LEVELS OF FORCE

Use of Force Continuum (Options) is categorized into six levels according to the Department on Public Safety Standards and Training. Presence is the lowest level of force; deadly force is the highest. Within each level are escalating levels of action, which may be taken. Sheriff’s Office members should start at the lowest level appropriate under the circumstances and progress upward or deescalate as necessary.

A11.04 LEVELS OF FORCE CONTINUUM (Options)

PRESENCE: The first level is the presence of the Deputy. It is used when dealing with compliant suspects-or keeping the subject in sight until cover arrives. Contact with Central Dispatch via the radio is required to inform others that might be in the area of the situation. Describe the situation and the magnitude of the situation. Give guidance for other Deputies for a safe approach. Communicate with other Deputies. This level of force is used when the subject is complying and there is no resistance.

VERBAL COMMAND: The second level is verbal command. This can be a fact-finding situation, such as a Field Contact. It can be a direct order requiring the suspect to stay in place or move to an area as directed. The Deputy's tone of voice and attitude, the clarity of the directions, and choice of words are factors which bear on the effectiveness of a verbal command; this level of force is issued when a subject is undecided concerning his willingness to comply or resist and the level of resistance is limited to a verbal level.

PHYSICAL CONTACT: The required force may include pain compliance techniques. The Deputy may have a physical hold on the hand or arm of the subject to affect compliance, often preliminary to handcuffing the subject. A hair hold technique may also be involved. When using physical contact, the Deputy may only use that force necessary to control the subject. Once a subject complies, the force used is reduced in proportion to the compliance and is maintained at a level necessary to maintain control. If a Deputy is unable to control a subject by use of physical contact, the Deputy is justified in using a higher level of force.

SERIOUS PHYSICAL CONTROL: (Pepper Spray or Taser) This level involves the use of chemical agents (pepper spray) or the use of the Taser. The use of pepper spray or the Taser to subdue a subject who is resisting arrest or otherwise combative is authorized when resistance or threats of violence represents potential escalation of necessary force and the deputy fears potential injury to himself, other officers, the arrestee, or others present the deputy should consider that the member utilizing the pepper spray may be affected to a greater degree than the person who is resisting, and that the effect of the spray on a particular person can not be predicted. This level of force is used when the subject is resistive.

SERIOUS PHYSICAL CONTROL: (Forced Blows and Impact Weapons) This level involves the use of an impact weapon. This force is used when the subject uses or threatens to use a weapon upon the deputy or another person. The impact weapon (PR24 or ASP) is a defensive weapon that is designed for blocking, jabbing and striking. This use of the impact weapon is proper to overcome force of resistance and to control except when deadly force is authorized. Application of impact weapons to the head of a subject is prohibited. This level of force may be used if a subject strikes or attempts to strike a deputy. This level of force is used with a resistive subject and the level of force is ominous.

DEADLY FORCE: Deadly force is any use of a weapon whose force is readily capable of causing serious physical injury or death. This level of force is used when the subject is resistive and the level of resistance is potentially lethal.

A11.05 NON-EXCLUSIVE EXAMPLES OF THE USE OF FORCE

When a blow is struck by an officer.

When a person is rendered unconscious or semi-conscious.

When a person sustains a cut, bruise, contusion, abrasion, or other physical injury as a result of use of physical force by an officer.

When a person complains of an injury as a result of an alleged use of physical force by an officer.

When a person is controlled by a firearm being pointed at the person by an officer.

Damage to a building or a vehicle such as breaking a door or a window.

A11.06 USE OF FORCE; GENERALLY

A member who is authorized by the provisions of this chapter or otherwise justified by law to use force upon another person shall only use a degree of force, which the member reasonably believes to be necessary for the purpose.

A member shall not use excessive force.

A member shall not, under any circumstance, use any degree of force upon another person for the purpose of punishing the person.

A11.07 FACTORS USED TO DETERMINE REASONABLENESS OF FORCE.

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

The conduct of the threat being confronted (as reasonably perceived by the deputy at the time).

Deputy/threat factors (age, size, relative strength, skill level, deputy injury/exhaustion).

Multiple threats.

Influence of drugs/alcohol and/or the threat's apparent mental state at the time.

Proximity of weapons.

Availability of other options (i.e., what resources are available to the deputy under the circumstances).

Seriousness of the suspected offense or reason for contact with the individual.

Potential for injury to citizens, deputies, and suspects or inmates.

Risk of escape.

Sudden attack.

Other exigent circumstances.

A11.08 USE OF PHYSICAL FORCE IN MAKING AN ARREST OR IN PREVENTING AN ESCAPE; DEPUTY SHERIFFS.

Except as provided in Section 11.06 of this chapter, a deputy sheriff is justified in using physical force upon another person only when and to the extent the deputy sheriff reasonably believes it necessary:

To make an arrest or to prevent the escape from custody of an arrested person unless the deputy sheriff knows the arrest is unlawful; or,

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

A11.09 USE OF DEADLY PHYSICAL FORCE IN MAKING AN ARREST OR IN PREVENTING AN ESCAPE; DEPUTY SHERIFFS.

Notwithstanding the provisions of Section 11.08 above, a deputy sheriff may use deadly physical force only when the deputy sheriff reasonably believes:

The crime committed by the person was a felony or an attempt to commit a felony involving the use or threatened use of physical force against a person; or,

The crime committed by the person was kidnapping, arson, escape in the first degree, burglary in the first degree or any attempt to commit such a crime; or

Regardless of the particular offense which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the deputy sheriff or another person from the use or threatened use of deadly physical force; or

The crime committed by the person was a felony or an attempt to commit a felony and under the totality of the circumstances existing at the time and place, the use of such force is necessary; or

The officer's life or personal safety is endangered in the particular circumstances.

Nothing in this section constitutes justification for reckless or criminally negligent conduct by a deputy sheriff amounting to an offense against or with respect to innocent persons whom the deputy is not seeking to arrest or retain in custody.

A11.10 USE OF PHYSICAL FORCE IN A CORRECTIONAL FACILITY.

A deputy in a correctional facility may use physical force upon another person, including an inmate, when and to the extent the deputy reasonably believes it necessary to maintain order and security in the facility as authorized by law.

A deputy in a correctional facility is justified in using physical force upon another person, including an inmate, for self-defense or to defend a third person from what the deputy reasonably believes to be the use or imminent use of unlawful physical force, and the deputy may use a degree of force which is reasonably believed to be necessary for the purpose.

A deputy is justified in using physical force, when and to the extent the deputy reasonably believes it necessary to prevent the escape of an inmate from a correctional facility.

A deputy while transporting or accompanying an inmate outside the confines of a correctional facility is justified in using physical force when and to the extent that the deputy reasonably believes it necessary to prevent the escape of the inmate from custody.

A11.11 USE OF DEADLY PHYSICAL FORCE IN A CORRECTIONAL FACILITY.

A deputy is justified in using deadly physical force upon another person, including an inmate, in the following circumstances:

The deputy reasonably believes the other person is using or about to use unlawful deadly physical force against a person.

A deputy is justified in using physical force, including deadly physical force, when and to the extent the deputy reasonably believes it necessary to prevent the escape of an inmate:

From a correctional facility, when the deputy reasonably believes the inmate poses a serious threat to use deadly physical force upon the deputy or another person during or after the escape; or,

While transporting or accompanying an inmate outside of a correctional facility, when the deputy reasonably believes the inmate or another person poses a serious threat to use deadly physical force on the deputy or another person during or after the escape.

A11.12 MEDICAL ATTENTION FOR INJURIES SUSTAINED WHILE USING FORCE.

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

A11.13 CHEMICAL AGENTS.

Policy and procedures for the storage, deployment, and use of chemical agents by members shall be as provided by the "Operational Procedures Manual," so long as such policy and procedures are consistent with the policies of this chapter regarding the use of force generally.

All Sheriff's Office members, who carry OC while on-duty, shall successfully complete an approved OC qualification course as required for initial and ongoing certification.

A11.14 "CAROTID ARTERY SUBMISSION HOLD" or "CHOKEHOLDS" PROHIBITED; EXCEPTION.

The Sheriff's Office recognizes a carotid artery submission hold, or certain "chokeholds" may be readily capable of causing death or serious physical injury under certain circumstances. However, the Sheriff's Office also recognizes circumstances exist in which a member may be justified in using deadly physical force on another person. Therefore, for the purpose of this chapter, a carotid artery submission hold, or any form of "chokehold," shall be governed by the provisions of this chapter regarding the use of deadly physical force.

Notwithstanding any other provision of this chapter, a member who is otherwise authorized to use force as provided by this chapter or by law shall not use a carotid artery submission hold, or any chokehold or restraint, on another person unless the member reasonably believes the other person is using or about to use unlawful deadly physical force against the member or another person.

A11.15 CRITERIA FOR THE USE OF FORCE REPORT

The Use of Force Report is required in addition to any other reports whenever any of the following have been used:

Firearm discharge and any situation where a firearm is used as a means to control the action of an individual by pointing the firearm at the individual

Baton

Chemical Agent

Flashlight when used as a weapon

Any other weapon

Where physical force is used to restrict the movement of, or subdue an individual. Mere handcuffing or the use of "come along holds" does not require submission of a Use of Force Report.

Where damage to property occurs.

Where an animal is killed or injured, struck with a baton or sprayed with chemical agents by an officer, except the lawful destruction of an injured animal.

When any person is injured as a result of a member's actions

Use of Force Reports must be submitted for an occasion on or off duty in which an employee of the department uses force while acting in an official capacity.

If any member has a doubt as to whether a Use of Force Report is necessary, he shall contact his immediate supervisor for advice, and note his supervisor's opinion in his incident report.

Whenever a situation requires a Use of Force Report, members shall adhere to the following procedure:

As soon as practical, but no later than the end of that work shift, notify an on-duty supervisor or Sergeant who shall review and investigate the incident.

Witnesses to the incident will be interviewed as soon a practical

Submit a detailed account of the use of force to the investigating supervisor on a Use of Force Report.

A11.16 SUPERVISOR RESPONSIBILITY

The investigating supervisor shall:

Investigate the circumstances requiring the use of force;

Determine whether a Use of Force Report is required;

Take appropriate steps to initiate disciplinary action where the amount of force is determined to be unnecessary;

Include the results of the investigation on the Use of Force Report, and forward it along with all other related reports to the Chief Deputy for review and written comment, who shall in turn, forward it to the Sheriff.

The Chief Deputy shall review the incident, attach his comments to the Use of Force Report and personally deliver the completed file to the Sheriff

THE USE OF FORCE REPORT IS NOT TO BE DUPLICATED OR REPRODUCED IN ANY FASHION AND UNDER NO CIRCUMSTANCES SHALL THE USE OF FORCE REPORT BE SENT TO RECORDS.

A11.17 REPORTING USE OF FORCE.

Any use of physical force shall be documented completely and accurately in a Wasco County Sheriffs Office "Use of Force Report".

Members required to report use of force include any:

On-duty member.

On-duty reserve member

Off-duty member who identifies himself/herself as a member of the Sheriff's Office.

Off-duty member who should reasonably conclude he/she was recognized as a member of the Sheriff's Office.

Off-duty member who was acting under the color of authority.

Except as provided in the section below, Use of Force and the Incident report packages shall be completed and submitted for review by the end of shift. Supervisors may authorize an extension not to exceed 24 hours from the time of occurrence.

Supervisors may authorize an extension beyond 24 hours based on an assessment which may include:

Significance of the force used;

Injuries to staff or other persons;

Criminal or contemplated criminal proceedings;

The totality of the event, or other elements potentially impacting the quality of reports.

Authorized extensions by a supervisor shall be documented and submitted to the Chief Deputy by the completion of the Supervisor's work shift.

An involved member in a deadly physical force incident is exempt from documenting the incident in a Use of Force Report.

A11.18 REPORTING USE OF FORCE, WITNESS'

Any member of the Wasco County Sheriff's Office, regardless of assignment, who sees, hears, or otherwise witnesses any portion of an event involving a use of force by another member shall document his/her observations in a report.

Witness statements will be included on the Use of Force Report. A witness may forward a report detailing a use of force to any supervisor, regardless of the chain of command.

Upon receipt of the witness report(s), the supervisor shall ensure the report is included with the Use of Force Report package. If no Use of Force Report was submitted, the report shall be forwarded through the chain of command to the Chief Deputy for review.

A11.19 NOTIFICATION TO SUPERVISORS.

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

Where the application of force appears to have caused physical injury.

The individual expressed a complaint of physical injury.

Any application of less lethal munitions, electronic stun devices, chemical agents, baton, or when firearms are pointed at a person.

A11.20 REVIEW AND DISPOSITION

All Use of Force Reports and accompanying documents shall be reviewed by the Chief Deputy for a final determination of the appropriateness of the action taken.

If the use of force is determined to be justified, the member shall be notified in writing by the Sheriff. The Use of Force Report and all accompanying documents shall be forwarded to the Sheriff for filing. No record of the incident shall be maintained in the member's personnel file or in any file other than the Sheriff's file.

If the actions contained in the Use of Force Report constitute violations of Sheriff's Office procedures or County ordinances or State statutes, and disciplinary action is appropriate, the incident shall be assigned for the disciplinary process.

A11.21 BOARD OF REVIEW

The purpose of the Board of Review shall be to determine whether or not any incident involving the use of a firearm or the use of force was justified. The Board of Review shall not be concerned with penalties for violations of the rules and regulations.

The Board of Review members shall be determined by the Sheriff and shall convene only at his request.

Any finding determined by the Board of Review will be submitted in writing to the Sheriff. Any time limit, in which the Board shall come to a decision, will be determined by the Sheriff.

A11.22 BOARD of REVIEW PROCEEDINGS

The Board of Review shall be composed of one or more supervisors and at least one deputy of the same rank as the deputy who discharged his/her weapon.

All Board of Review hearings are confidential and shall be conducted in private.

All Board of Review hearings shall be recorded.

The Board of Review shall consider all reports and information concerning the incident and, if necessary, call witnesses.

The Board of Review will develop findings and, if appropriate, make recommendations to the Sheriff in the following areas;

- Tactical considerations,
- Training considerations, and
- Quality of supervision.

The Board of Review shall make one of the following findings:

The discharge and/or use of force was justified under the provisions of the Wasco County Sheriff's Office Policy and State Statutes.

The discharge and/or use of force was not justified under the provisions of the Wasco County Sheriff's Office Policy and State Statutes.

Board of Review recommendations will be by majority vote. All findings will be signed by all members of the Board of Review, and will indicate whether the Board of Review members agreed with or dissented from the recommendation. The Review Board's recommendation(s) shall be submitted to the Sheriff in a written report.

Upon receipt of the Review Board's recommendation the Sheriff may:

Reinstate the member to duty if it is determined that the incident was justified.

Take disciplinary action if appropriate

Request the District Attorney to conduct an inquest of the incident.

A11.23 OUTSIDE AGENCIES ASSISTING

When excessive physical force is used by an outside public or private agency member in an incident in which the Wasco County Sheriff's Office members are in charge or present, members from this agency will send an interoffice memo to the Sheriff describing the incident and the use of excessive force.

The Sheriff will forward reports to the outside agency, if appropriate. Example: At an arrest by a Sheriff's Office member, a cover officer or Deputies from another agency use excessive force to make the arrest.

If a member assists an outside agency and physical force is used by that member, a Use of Force Report shall be completed and forwarded for review as required by this procedure.

POLICY OUTLINED HEREIN IS NOT INTENDED TO IMPLY OR INDICATE THAT THE MEMBER HAS ACTED IMPROPERLY.

INTERAGENCY COOPERATIVE POLICING AGREEMENT FOR MAJOR INCIDENTS BETWEEN THE DALLES POLICE DEPARTMENT, WASCO COUNTY SHERIFF'S OFFICE, AND THE OREGON STATE POLICE

This agreement is subservient to individual departmental policies. However, participating agencies will endeavor to support this agreement with their individual policies. This agreement also is subject to individual department availability.

I. PURPOSE

The purpose of this inter-agency cooperative police agreement is to create a structured environment through which the participating agencies, by identifying roles and specific responsibilities, providing the most efficient and effective law enforcement services possible.

This inter-agency agreement will also provide guidelines and policies for the inter-agency investigation of major crimes, and certain traffic crashes that occur in the venues of the participating agencies.

II. OBJECTIVES

The objective of this agreement is performance excellence in law enforcement and public safety through improved results in response to major crimes and serious traffic crashes, and other specialized services that each agency can provide that are fundamental to our specific missions and service priorities.

III. DEFINITIONS

A. A Major Incident

An incident involving a major crime or serious traffic crash.

B. Police Employee

This agreement applies to sworn employees, and to certain other people affiliated with the law enforcement agencies of this agreement as follows: Full-time, part-time, hourly sworn officers, non-sworn employees or reserve deputies and officers, whether on duty or off-

duty, who are acting actually or purportedly for a law enforcement purpose at the time of the incident.

C. Venue Agency

The agency, or agencies, within the geographical jurisdiction of where the incident occurs.

D. Inter-Agency Major Crimes Team

The Inter-Agency Major Crimes Team is comprised of law enforcement personnel from The Dalles Police Department; Wasco County Sheriff's Office, and the Oregon State Police, or their designee. The Major Crimes Team will be on a call out status and assigned to investigate major crimes.

E. Inter-Agency Vehicular Crimes Team

The Inter-Agency Vehicular Crimes Team is comprised of officers, of The Dalles Police Department; Wasco County Sheriff's Office, and the Oregon State Police.

F. Inter-Agency Major Incident Team Command Unit

The Inter-Agency Major Incident Team Command Unit (MIU) is comprised of the Chief of The Dalles Police Department, the Wasco County Sheriff, and the Oregon State Police Area Commander, or their designee. The MIU is responsible for the management and supervision of the Major Incident Teams.

IV. INTER-AGENCY MAJOR INCIDENT TEAMS COMPOSITION

A. Law Enforcement personnel selected as Inter-Agency Major Crimes Team Members should have the following skills:

1. The ability to effectively interview people of various backgrounds.
Good working knowledge of physical evidence, its collection and preservation.
2. Good knowledge of police operational procedures and the criminal justice system.
3. Excellent report writing and communications skills.
4. Good organizational skills, competent, thorough, objective, fair and honest.

5. Self motivated individual who is able to work as a "team player" under adverse conditions, and conduct a comprehensive investigation to completion.

B. Officers, Deputies, and Troopers selected as Vehicular Crimes Team members should have the following skills.

1. Ability to function in a team setting.
2. Basic accident reconstruction knowledge.
3. OSP Trooper assigned will be an Accident Reconstructionist or an Accident Reconstructionist Technician.

C. Major incident supervisor will be provided by the venue agency.

1. A supervisor from the effected venue will respond to each call out and provide organizational and investigative case management. The supervisor will also assign lead detectives.
2. The major incident supervisor will make proper notifications to the District Attorney's office, the medical examiner, and any other necessary notifications.
3. The major incident supervisor will select a secondary supervisor to assume the duties of the primary supervisor when the primary supervisor is unavailable.

D. Roles and functions of team members.

1. The Wasco County District Attorney or his/her designee shall be notified and be available for consultation to the individual inter-agency major incident team members during the investigation regarding the criminal aspects of a major incident.
2. The inter-agency major incident team members shall act under the leadership of the supervisor assigned the investigation and/or the lead detective/investigator. The lead detective/investigator will be responsible to the venue agency for the progression on the investigation.
3. The inter-agency major incident team supervisor in consultation with the venue agency's command staff will be responsible for appointing a lead detective/investigator.
4. The inter-agency major incident team supervisor and lead detective/investigator are responsible for supervising the investigation, making assignments among particular team members and securing necessary investigative resources.
5. The inter-agency major incident team supervisor and/or lead detective are responsible for briefing the head of the venue agency or

- his/her designee, and the designated representative of the District Attorney's office as to the status of the investigation.
6. The venue agency will provide an evidence technician who will be responsible for evidence management and storage.
 7. The inter-agency major incident team supervisor and the lead detective/investigator shall ensure that a comprehensive investigation is conducted, and all respective reports are to be submitted in an organized manner to the team supervisor who will in turn provide the reports to the District Attorney's office for case review and prosecution consideration.
 8. Individual major crime team members are accountable to their respective agency administration for conduct, performance, and activities as law enforcement officers during the duration of any assigned investigation.

V. INVESTIGATION COSTS

- A. Each inter-agency member shall be responsible for all expenses incurred by their own member
 1. Those costs include in-state transportation, food and lodging cost.
 2. The venue agency is responsible for all non-personnel costs in major incident investigations.
- B. All follow-up investigations, backgrounds and interviews requiring out of area or out of state travel will be conducted after consultation with the District Attorney and his/her designate, and/or the supervisor/administrator of the venue Agency.

VI. Major Crimes Team Activation

- A. A head of agency or his/her designee of the venue agency is authorized to request the assistance of the major crimes team or the vehicular crimes team.
- B. The major crimes team shall be contacted when the venue agency has:
 1. A Homicide

2. Juvenile Kidnap cases, Amber Alerts, and FBI notifications.
- C. The major crimes team may be contacted when the venue agency has:**
1. A suspicious death
 2. An officer involved shooting or deadly force incident, even if no injuries occur.
 3. Intentional or accidental shootings, including police tactical incident involving specialized police response teams as dictated by the agency policies.
 4. Intentional and/or accidental use of any other dangerous or deadly weapon by venue agency employees as dictated by agency's policies.
 5. Felony Assaults upon a sworn law enforcement officer or assaults on other law enforcement employees who are on duty or are acting for a law enforcement purpose.
 6. Felony Assaults upon the Wasco County District Attorney, or a Wasco County Deputy District Attorney.
 7. Serious felony crimes (ie. Rape, Sex Crimes, Arson, Kidnap, Robbery)
 8. Other high profile/complex cases.
 9. Cases where the venue agency needs additional resources to adequately investigate the incident.
 10. A sensitive or critical event involving a police employee who may have possible criminal liability attached.

VII. Vehicular Crimes Team Activation

- A. The Vehicular Crimes team will be activated to investigate a fatal crash involving two or more vehicles (unless the offending driver is killed, with no prosecution), or pedestrians. Crashes resulting in criminal prosecution and any law enforcement related crash resulting in an injury or possible civil liability.**

VIII.

A. Activation Procedures: (For All Major Incidents)

1. Wasco County 911 Central Dispatch and/or OSP Dispatch depending on venue will be responsible for contacting the agency head or his/her designee who will then call out the on-call element from a list of team members provided by the participating agencies.

2. Originating Dispatch Center will contact the agency head or his/her designee who will determine the venue agency and contact the agency head or his/her designee from that agency.

B. Radio Procedure and Net/Channel Use

1. Each member responding to a callout should advise Wasco County 911 Central Dispatch and/or OSP dispatch when they are in route to a major incident call out.

C. Assignments:

1. Generally the venue supervisor will be responsible to assign members their duties and responsibilities when they arrive on the scene. However, the supervisor may assign another member his/her duties while enroute.

Duties would normally be divided in the following sections:

- a. Team Supervisor who is responsible for delegating assignments, coordinating with the District Attorney's Office, press releases, and final review and approval of investigation and reports.
- b. Lead Investigator who will be assigned from the venue agency and responsible for the investigation as a whole. They will compile all reports and present them to the supervisor for review.
- c. Total Station Operator that requires training in the operation of this device. The operator should have a basic knowledge of the Autosketch software used to draft diagrams in order to correctly measure scenes.

IX. ADMINISTRATIVE DUTIES

Administrative duties, such as inter-agency liaison, personnel and equipment logistics, notice of briefings/meetings, etc., shall be the responsibility of the MIU.

VIII. LIABILITY

Notwithstanding any other provision in this agreement, each inter-agency member shall be responsible, to the extent permitted by the Oregon Tort Claims Act (ORS 30.260-30.300), only for those acts, omissions or negligence of its employees. For purposes of this agreement and the activities hereunder, no person shall be deemed to be an agent of any inter-agency member other than his or her employer agency.

All employers, including the County of Wasco and City of The Dalles, who employ subject workers who work under this agreement in the state of Oregon shall comply with ORS 656.017 and provide the required workers compensation coverage, unless such employers are exempt under ORS 656.126. In no event shall any of the participating agencies be responsible for workers compensation of any person not their employee.


IX. NEWS MEDIA RELATIONS

All press releases shall be the responsibility of the venue agency or its designated spokesperson. To preserve the integrity of the investigation, any request for information from the public, the media, or any other source outside those involved in the investigation shall first be reviewed by the Wasco County District Attorney, team supervisor, and/or the lead detective/investigator. This process will remain until the completion of the investigation.

X. TERM AND TERMINATION

- A. This agreement shall be in full force and effect with respect to any inter-agency member from the date of that the inter-agency member signs this agreement until the inter-agency member terminates participation in the agreement in accordance with this section.**
- C. Any inter-agency member may terminate its participation in the agreement upon 90 days advance written notice to each of the participating agencies.**


IN WITNESS WHEREOF, the parties have caused their undersigned representatives to sign this agreement.



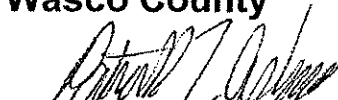
Jay Waterbury Chief
The Dalles Police Department



Rick Eiesland Sheriff
Wasco County



Eric Nisley District Attorney
Wasco County District Attorney



Patrick Ashmore Lieutenant
Oregon State Police

Date 1-25-08

RESOLUTION NO. 08-008

A RESOLUTION APPROVING A DEADLY PHYSICAL FORCE
PLAN PREPARED BY THE DEADLY PHYSICAL FORCE
PLANNING AUTHORITY CREATED FOR WASCO COUNTY

WHEREAS, the Oregon State Legislature recently adopted Senate Bill 111, which requires that each county in the State of Oregon create a deadly physical force planning authority; and

WHEREAS, Senate Bill 111 requires the planning authority created in each county, to develop a plan that has certain required elements that relate to incidents involving the use of deadly physical force by police officers; and

WHEREAS, the required planning authority under Senate Bill 111 has been established for Wasco County, which planning authority has included the participation of the Chief of Police for the City of The Dalles; and

WHEREAS, Senate Bill 111 requires the planning authority to submit a plan created under the legislation for approval or disapproval to the governing bodies of each law enforcement agency within the county; and

WHEREAS, the City Council has reviewed the proposed plan submitted by the planning authority established for Wasco County, a copy of which is included with this Resolution, and the City Council desires to approve the proposed plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES RESOLVES AS FOLLOWS:

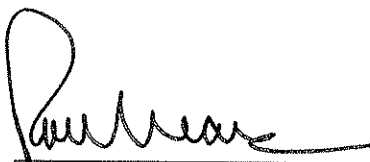
Section 1. Plan Approved. The City Council of the City of The Dalles hereby approves the Deadly Physical Force Plan, proposed by the planning authority for Wasco County under the provisions of Senate Bill 111, a copy of which Plan is attached as Exhibit "A" and incorporated herein by this reference.

Section 2. Effective Date. This Resolution shall be effective as of March 24, 2008.

PASSED AND ADOPTED THIS 24TH DAY OF MARCH, 2008.


Voting Yes, Councilor: Wood, Wilcox, Broehl, Kovacich, Dick
Voting No, Councilor: None
Absent, Councilor: None
Abstaining, Councilor: None

AND APPROVED BY THE MAYOR THIS 24TH DAY OF MARCH, 2008.



Robb Van Cleave, Mayor

Attest:



Julie Krueger, MMC, City Clerk

2008 MAR 24 P 3:08

DAKEN LEBRETON COATS
COUNTY CLERK

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IN THE COUNTY COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE ADOPTION)
OF THE WASCO COUNTY DEADLY)
PHYSICAL FORCE PLAN AS CREATED) RESOLUTION
BY THE WASCO COUNTY DEADLY)
PHYSICAL FORCE PLANNING AUTHORITY.)

WHEREAS, Senate Bill 111 created in each county a Deadly Physical Force Planning Authority charged with developing a Deadly Physical Force Plan for their respective county; and

WHEREAS, the Wasco County Sheriff and Wasco County District Attorney convened the newly created Wasco County Deadly Physical Force Planning Authority as required by Senate Bill 111; and

WHEREAS, the Wasco County Deadly Physical Force Planning Authority has submitted the proposed Deadly Physical Force Plan to the governing bodies of Wasco County and the City of The Dalles for their consideration and approval.

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1 - RESOLUTION

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WHEREAS, if the Wasco County Deadly Physical Force Plan is approved by the governing bodies of Wasco County and the City of The Dalles by at least two-thirds, the Planning Authority shall submit the approved Plan to the Attorney General for his consideration and approval.

WHEREAS, the Wasco County Court did consider the approval of the proposed Wasco County Deadly Physical Force Plan at their Regular Session of March 5, 2008; and

WHEREAS, the Wasco County Court did vote unanimously to approve the Plan as presented, contingent upon there being no changes made to the Plan after the required Public Hearing is held by the Wasco County Deadly Physical Force Planning Authority; and

WHEREAS, the Wasco County Deadly Physical Force Planning Authority conducted a Public Hearing on March 17, 2008, at 2:00 p.m. in the Wasco County Courthouse, Deschutes Meeting Room, 511 Washington Street, The Dalles, Oregon, to take public testimony on the proposed Wasco County Deadly Physical Force Plan; and

WHEREAS, no public testimony was received on the proposed adoption of the Wasco County Deadly Physical Force Plan at the Public Hearing held before the Wasco County Deadly Physical Force Planning Authority; and

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1 WHEREAS, the Wasco County Deadly Physical Force Planning
2 Authority made no additional changes to the Wasco County Deadly Physical
3 Force Plan at the Public Hearing on March 17, 2008.

4 NOW, THEREFORE, THE WASCO COUNTY COURT DOES
5 HEREBY RESOLVE: That the Wasco County Court, governing body of
6 Wasco County, Oregon, considered the adoption of the Wasco County
7 Deadly Physical Force Plan, as prepared by the Wasco County Deadly
8 Physical Force Planning Authority, at their Regular Session of March 5,
9 2008. After thorough consideration, the County Court adopted the Wasco
10 County Deadly Physical Force Plan, as presented, by a unanimous decision,
11 contingent upon there being no changes made to the Plan after the required
12 Public Hearing is held before the Wasco County Deadly Physical Force
13 Planning Authority; and
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16 IT IS HEREBY FURTHER RESOLVED: That a Public Hearing was
17 held before the Wasco County Deadly Physical Force Planning Authority on
18 March 17, 2008, and no changes were proposed to the Wasco County
19 Deadly Physical Force Plan; and
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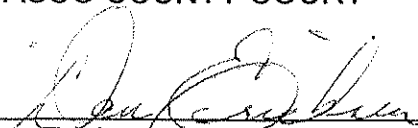
21 IT IS HEREBY FURTHER RESOLVED: That the Wasco County
22 Deadly Physical Force Plan shall be submitted to the Oregon Attorney
23 General for his consideration and approval after the Plan has been approved
24 by the governing bodies of Wasco County and the City of The Dalles as
25 required by Senate Bill 111.
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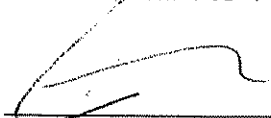
3 - RESOLUTION

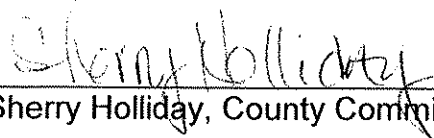
PASSED AND ADOPTED this 5th day of March, 2008.

WASCO COUNTY COURT

APPROVED AS TO FORM:


Dan Ericksen, County Judge


Eric J. Nisley
Wasco County District Attorney


Sherry Holliday, County Commissioner


Bill Lennox, County Commissioner

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