

Beaverton Police Department

Policy Manual

CRIMINAL JUSTICE CODE OF ETHICS

As a criminal justice officer, my fundamental duty is to serve humankind; to safeguard lives and property; to protect all persons against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all people to liberty, equality and justice.

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

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. Without compromise and with relentlessness, I will uphold the laws affecting the duties of my profession courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.

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

¹ Reference to religious affirmation may be omitted where objected to by the officer.

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MISSION AND VISION STATEMENTS AND CORE VALUES

MISSION STATEMENT:

To protect with courage. To serve with compassion. To lead with integrity.

VISION STATEMENT:

The Beaverton Police Department will provide a safe city, serving community members with compassion and respect. We are fully invested in leading our profession with integrity, building and retaining a highly trained, well equipped, progressive, motivated and cohesive team. We will strive to be recognized and respected as a leading agency in the law enforcement community.

CORE VALUES:

Altruism — We will continue our deliberate pursuit of unselfish and compassionate concern for the welfare of others.

Courage — We will have the strength to respond to situations when it is difficult or risky.

Integrity — Our actions will be moral, ethical, legal and consistent.

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Beaverton Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Beaverton Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.3 PEACE OFFICER POWERS

Peace officers are granted authority by Oregon Revised Statutes to prevent and deter crime; arrest offenders; issue citations in lieu of custody; take custody of evidence of a crime, contraband or recovered stolen property; control the flow of traffic and preserve the peace and safety of the public.

Sworn members of this department are peace officers pursuant to ORS 161.015. Peace officer authority extends to any place in the State of Oregon.

100.3.1 AUTHORITY TO ARREST

Pursuant to ORS 133.235:

- (a) A peace officer may arrest a person for a crime at any hour of any day or night.
- (b) A peace officer may arrest a person for a crime, pursuant to ORS 133.310(1), whether or not such crime was committed within the geographical area of the peace officer's employment, and the peace officer may make the arrest within the state, regardless of the situs of the offense.
- (c) The peace officer shall inform the person to be arrested of the peace officer's authority and reason for the arrest, and, if the arrest is under a warrant, shall show the warrant, unless the peace officer encounters physical resistance, flight, or other factors rendering this procedure impracticable, in which case the arresting peace officer shall inform the arrested person and show the warrant, if any, as soon as practicable.
- (d) In order to make an arrest, a peace officer may use physical force as justifiable under ORS 161.233, ORS 161.242, and ORS 161.245.
- (e) In order to make an arrest, a peace officer may enter premises in which the peace officer has probable cause to believe the person to be arrested to be present.
- (f) If after giving notice of the peace officer's identity, authority, and purpose, the peace officer is not admitted, the peace officer may enter the premises, and by a breaking, if necessary.

Law Enforcement Authority

- (g) A person may not be arrested for a violation except as provided by ORS 153.039 and ORS 810.410.

100.3.2 OFF-DUTY ARRESTS

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction.

In such situations the involved officers shall clearly identify themselves as a peace officer.

100.3.3 TREATMENT OF INDIVIDUALS UNDER ARREST

In making an arrest, officers must treat individuals with respect. Officers will not physically mistreat or verbally harass any individual. When within the temporary holding facility area, a prisoner shall have reasonable access to water, restrooms, and other necessities that do not compromise the safety and security of the officer(s) and the facility.

100.3.4 ARREST BY PRIVATE PERSON

- (a) Private Person Arrest. The authority for a private person to make an arrest is defined in ORS 133.225. In the event of a private person arrest, it is the private person's responsibility to deliver the arrested person without delay to a peace officer. The officer must independently review the circumstances surrounding the arrest. Custody of the arrested person should be maintained only after the officer has determined the private person's arrest is valid. If the arrest is valid and the arrested person is taken into custody, the matter will be processed as would any other arrest. The arrest report shall state the arrest was initiated by a private person and set forth the relevant facts and circumstances. The officer should obtain the arresting private person's signature using the appropriate department form.
- (b) Improper Private Person Arrest. If the private person arrest does not meet the statutory requirements for a private person's arrest, and/or there is no probable cause for the arrest, the officer shall document the incident in a report and cause the release of the person detained. A copy of the report shall be forwarded to the prosecutor's office for review.
- (c) Shoplifting Arrests. In shoplifting arrests, where the victim/business can ensure the maintenance of a proper chain of evidence, the property involved shall remain with the person making the arrest, unless otherwise requested by the reporting officer.

100.4 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Oregon Constitutions.

100.4.1 ADVISING SUSPECTS OF THEIR RIGHTS

Officers are responsible for advising suspects, both adult and juvenile, of their Miranda rights in the proper manner. Officers must observe legal requirements and departmental procedures at all stages of an investigation and/or arrest, including a defendant's reasonable access to counsel.

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The officer should document all admonishments of rights prior to the taking of oral or written statements.

Volunteered and spontaneous statements are not barred and no warning need be given preceding them. However, questioning initiated by the police officer thereafter in clarification or amplification of the volunteered or spontaneous statements should be preceded by a Miranda warning if the suspect is in custody.

The fact that a prisoner who gives a statement was advised or admonished of Miranda rights should be included at the beginning of any written statement or included in the police report if the statement is obtained verbally.

It may be necessary for the officer to testify in court as to the precise language used to warn suspects of their rights and the precise language by which suspects waived their rights. Therefore, the department makes available Advice of Right forms for officer use.

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters California, Idaho or Nevada in fresh pursuit of a person who the officer has probable cause to believe has committed a felony (Penal Code § 852.2 (California); Idaho Code 19-701 (Idaho); NRS 171.158 (Nevada)).
- (c) When an officer enters Washington while in pursuit of a person the pursuing officer has probable cause to believe has committed a felony; or violation related to driving while intoxicated, driving while under the influence of drugs or alcohol, driving while impaired or reckless driving (RCW 10.89.010).

Whenever an officer makes an arrest in California, Idaho, Nevada or Washington, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (Penal Code § 852.3; Idaho Code 19-702; NRS 171.158; RCW 10.89.020).

Public Safety Certification

101.1 PURPOSE AND SCOPE

This policy outlines certain state certification and training requirements for Department members.

101.2 BASIC CERTIFICATION

The Department of Public Safety Standards and Training requires that all sworn law enforcement officers employed within the State of Oregon receive certification within 18 months of appointment. Corrections officers are required to receive certification within 12 months of appointment (OAR 259-008-0060).

101.3 SUPERVISORS AND MANAGERS

In addition to basic certification, supervisors and mid-level managers are required to complete the supervision course or middle management course, respectively, within 12 months of appointment unless a time extension is granted by DPSST (OAR 259-008-0025). Supervisors and managers should also seek the appropriate level of certification (OAR 259-008-0060).

101.4 MAINTENANCE OF CERTIFICATION

In order to maintain certification, all active law enforcement officers are required to meet on-going training requirements as specified in OAR 259-008-0064 or OAR 259-008-0065.

Active police officers who hold Supervisory, Management or Executive certification must complete at least 24 hours of department-approved Leadership/Professional training every three years, as part of the on-going training required for all peace officers (OAR 259-008-0065).

Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

102.2 POLICY

It is the policy of the Beaverton Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. The form of oath should be as follows:

"I, (state name), do solemnly swear that I will preserve and protect the laws and the Constitution of the United States of America, the State of Oregon, and the City of Beaverton; that I will faithfully bring credit to the Department and myself as a (position about to assume) of the City of Beaverton; that I will strive to preserve life and to maintain all human rights; and that I will faithfully perform the duties of a (position about to assume) to the best of my ability, in accordance with the Law Enforcement Code of Ethics."

102.3.1 CRIMINAL JUSTICE CODE OF ETHICS

All members of the Beaverton Police Department are required to subscribe and adhere to the Criminal Justice Code of Ethics as presented in the introduction to this Policy Manual.

102.3.2 MAINTENANCE OF RECORDS

The oath of office shall be filed in accordance with the established records retention schedule.

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Beaverton Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Beaverton Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Beaverton Police Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police, Deputy Police Chief, or a Division Captain are authorized to amend policies and/or issue directives, which shall modify those provisions of the manual to which they pertain. Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

103.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are examples of acceptable substitutions in the manual:

- Policy Manual sections may be abbreviated as "Section 106.X," or "§ 106.X."
- BPD (Beaverton Police Department), BPA (Beaverton Police Association), CAD (Computer Aided Dispatch), Capt. (Captain), CID (Criminal Investigations Division),

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CSO (Community Services Officer), DPSST (Department of Public Safety Standards and Training), DT (Defense Tactics), FTEP (Field Training and Evaluation Program), K9 (Canine), Lt. (Lieutenant), MDC (Mobile Data Computer), NIMS (National Incident Management System), ODL (Oregon Driver License), PET (Property and Evidence), PPDS (Portland Police Data System), PSNet (Public Safety Network Records Management System), Sgt. (Sergeant), YSO (Youth Services Officer), TNT (Tactical Negotiations Team), WIN (Westside Interagency Narcotics), WCCCA (Washington County Consolidated Communications Agency).

103.3.2 DEFINITIONS

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

Adult - A person 18 years of age or older

Child Welfare - Department of Human Services, Child Welfare

CFR - Code of Federal Regulations

City - City of Beaverton

Department /BPD - Beaverton Police Department

DHS - Department of Human Services

DMV - Department of Motor Vehicles

Employee/Personnel - Any person employed by the Department

Juvenile - Any person under the age of 18 years

Manual - Beaverton Police Department Policy Manual

May - Indicates a permissive, discretionary or conditional action

Member - Any person who is employed or appointed by the Beaverton Police Department, including sworn officers, reserve officers, non-sworn employees and volunteers

Non-Sworn - Employees and volunteers who are not sworn peace officers

OAR - The Oregon Administrative Rules <http://arcweb.sos.state.or.us/pages/rules/access/numerically.html>

ORS - The Oregon Revised Statutes <http://www.leg.state.or.us/ors/>

OSP - The Oregon State Police

Officer/Sworn - Those employees, regardless of rank, who are sworn employees of the Beaverton Police Department

On-Duty - Employee status during the period when they are actually engaged in the performance of their assigned duties

Order - A written or verbal instruction issued by a superior

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Rank - The job classification title held by an officer

Shall or Will - Indicates a mandatory action

Should - Indicates a generally required or expected action, absent a rational basis of failing to conform

Supervisor - Any person (e.g., officer-in-charge, manager, lead, or senior worker) given the responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation. When there is only one division member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification of involvement of the member's off-duty supervisor or an on-call supervisor.

USC - United States Code

103.4 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that they have been provided access to, and has had the opportunity to review the Policy Manual and Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.5 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.6 REVISIONS TO POLICIES

Distribution

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that they have reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each division lieutenant and manager will ensure members under their command/supervision are aware of any Policy Manual revision.

Proposing Revisions

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their division lieutenant or manager, who will consider the recommendations and forward them to the Command Staff as appropriate. Senior Command will review all recommendations regarding proposed changes to the manual as needed.

Chief Executive Officer

104.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Oregon are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Beaverton Police Department, who is required to exercise the powers and duties of the office as prescribed by state law (OAR 259-008-0060).

104.2 POLICY

It is the policy of the Beaverton Police Department that the Chief of Police meets the minimum standards for exercising their authority granted by law.

104.3 CHIEF OF POLICE REQUIREMENTS

The Chief of Police of this department, as a condition of employment, should have, within two years of appointment, successfully obtained Executive certification through the Department of Public Safety Standards and Training (DPSST) and be licensed by DPSST.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

200.2 DIVISIONS

There are four divisions in the Police Department:

- Office of the Chief
- Services
- Patrol
- Investigations

200.2.1 OFFICE OF THE CHIEF

The Chief of Police is responsible for administering and managing the Beaverton Police Department. The Deputy Police Chief reports directly to the Chief of Police and assists in planning, budgeting, staff supervision, and public relations on specific projects. The Deputy Chief is responsible for the direct supervision of the division captains. The Office of the Chief also consists of public information, budget administration, purchasing, payroll, grants, accreditation and police chaplains.

200.2.2 SERVICES DIVISION

The Services Division is commanded by a captain whose primary responsibility is to provide general management, direction and control for the Services Division. The Services Division consists of Community Engagement (including community outreach, Youth Services Officers (YSOs), Mental Health Response Team (MHRT), Volunteer program, and the Cadet program), Police Records, Training Team, logistics and the Alarm program.

200.2.3 PATROL DIVISION

The Patrol Division is commanded by a captain whose primary responsibility is to provide general management, direction and control for the Patrol Division. The Patrol Division consists of Patrol, Traffic Team, Photo Enforcement, K-9 Unit, Bicycle Team, TriMet Team and Community Service Officers (CSOs).

200.2.4 INVESTIGATIONS DIVISION

The Investigations Division is commanded by a captain whose primary responsibility is to provide general management, direction and control for the Investigations Division. The Investigations Division consists of Property and Evidence, Professional Standards, Criminal Investigations, Victim Services, Crime Analysis and the Family Violence Unit. The Investigations Division Captain also oversees threat mitigation and technology.

Organizational Structure and Responsibility

200.3 SENIOR COMMAND

Senior Command consists of the following:

- Chief of Police
- Deputy Police Chief
- Division Captains

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences, the Chief of Police will designate the Deputy Police Chief or a captain to serve as the acting Chief of Police.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

- (a) Deputy Police Chief
- (b) Captain
- (c) Lieutenant

200.4.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., TNT, WIN, TriMet), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.4.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

200.4.4 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order which outwardly appears to be in direct conflict with any federal or state law, or local ordinance. If the legality of an order is in doubt the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, Department policy, or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow

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Organizational Structure and Responsibility

a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

The person issuing the countermanded order shall be notified in writing by the person issuing the second command of the action taken and the reason therefore.

200.5 ACCOUNTABILITY

Supervisors and managers shall be accountable for the performance of the members under their immediate control.

Directives

201.1 PURPOSE AND SCOPE

Directives establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure. Directives will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 DIRECTIVE PROTOCOL

Directives will be incorporated into the manual as required upon approval of Senior Command. Directives will modify existing policies or create a new policy as appropriate. A Directive will be rescinded once it has been incorporated into the manual.

Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year. For example, 25-01 signifies the first Directive for the year 2025.

201.2 RESPONSIBILITIES

201.2.1 STAFF

Senior Command shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Directive.

201.2.2 SENIOR COMMAND

The Chief of Police, Deputy Chief, or a Division Captain shall issue all Directives.

201.3 ACCEPTANCE OF DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Directives. All employees are required to acknowledge electronically or in writing the receipt and review of any new Directive. Acknowledgement forms and/or electronic receipts showing an employee's acknowledgement will be coordinated by the Program Manager and maintained by Professional Standards.

Emergency Operations Plan

202.1 PURPOSE AND SCOPE

The City has prepared an Emergency Operations Plan Manual for use by all employees in the event of a major disaster or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated (ORS 401.305).

All employees shall receive annual refresher training on the details of the Beaverton Emergency Operations Plan.

202.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Operations Plan can be activated in a number of ways. For this department, the Chief of Police or the highest-ranking official on duty may activate the Emergency Operations Plan in response to a major emergency.

202.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Beaverton Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

202.3 LOCATION OF MANUALS

The manual for the employees is available online on the City's Intranet, posted in the Patrol Lieutenant's office, and throughout the Department. All supervisors should familiarize themselves with the Emergency Operations Plan and what roles police personnel will play when the plan is implemented.

202.4 BUILDING EVACUATION PLAN

In the event of a disaster or emergency which requires evacuation of the police building, all employees, when practicable, shall follow implemented evacuation plans and posted exit routes (OAR 437-002-0041). The posted exit routes shall include any special directions for physically impaired employees.

202.5 UPDATING OF MANUALS

The Chief of Police or the authorized designee will review the Emergency Operations Plan Manual annually to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS), and appropriately address any needed revisions.

Training

203.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

203.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. Whenever possible, the Department will use courses certified by the Oregon Department of Public Safety Standards and Training (DPSST).

203.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of department personnel.
- (d) Enhance the safety of officers and the community.

203.4 TRAINING PLAN

A training plan will be developed and maintained by the Training Sergeant. It is the responsibility of the Training Sergeant to maintain, review and update the training plan on an annual basis. The plan will address the following areas:

- Legislative changes and changes in case law
- State-mandated training
- Prison Rape Elimination Act (PREA)
- High-liability issues training
- Training on department policies and procedures
- Ethics Training
- De-escalation tactics (force avoidance)

Training

203.5 TRAINING NEEDS ASSESSMENT

Professional Standards will conduct an annual training needs assessment of the Department. The needs assessment will be reviewed by Senior Command. Upon approval by Senior Command, the needs assessment will form the basis for the training plan for the calendar year.

203.6 TRAINING COMMITTEE

The Training Sergeant shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee shall be composed of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Sergeant may remove or replace members of the committee at their discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Training Sergeant to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Sergeant. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Sergeant will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

203.7 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:
 - 1. Court appearances
 - 2. Seniority vacation
 - 3. Sick leave, including FMLA/OFLA
 - 4. Physical limitations preventing the employee's participation
 - 5. Administrative leave

Training

6. Military leave
7. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
 1. Notify their supervisor as soon as possible, but no later than at least one hour prior to the start of training.
 2. Document their absence in a memorandum to their supervisor.
 3. Make arrangements through their supervisor and the Training Sergeant to attend an alternate date.

203.8 TRAINING COSTS

It is the responsibility of the Professional Standards Lieutenant to determine when the Beaverton Police Department may be entitled for training reimbursements when an officer has completed any portion of basic training in the last 36 months and voluntarily leaves employment and is subsequently employed by a different law enforcement agency in a position that requires the same training. If it is determined to seek reimbursement for qualifying expenses, the requests shall comply with the provisions of ORS 181A.620.

Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the City of Beaverton's electronic mail (email) system by employees of this Department. Email is a communication tool available to Department employees to enhance the efficiency in the performance of job duties and is to be used in accordance with City Policy (Chapter 10.7 in the Employee Handbook) and generally accepted business practices and current law, such as the Oregon Public Records Law set forth in Oregon Revised Statutes 192.311 et seq. Messages transmitted over the email system should be limited to those that involve City business activities or contain information essential to City employees for the accomplishment of business-related tasks, and/or communication directly related to City business, administration or practices.

204.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over the City of Beaverton's networks are considered City and public records and therefore are the property of the City. The City reserves the right to access, audit and/or disclose, for any lawful reason, any message including any attachment that is transmitted over its email system or that is stored on any City system. Likewise, employees are prohibited from receiving, sending or storing email messages in personal files. The City reserves the right to access any personal folders to assure compliance with this policy.

The email system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used. Employees using the department email system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department.

Confidential, proprietary, or sensitive information may be disseminated (or made available through shared directories or networked systems) only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes but is not limited to the following:

1. Transmittal of personnel information, such as salary, performance reviews, complaints, grievances, misconduct, disciplinary information, medical records, or related employee information.
2. Criminal history information and confidential informant master files, identification files, or related information.
3. Intelligence files and information containing sensitive tactical and undercover information.

Electronic Mail

204.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire department/city staff are only to be used for official business related items that are of particular interest to all users and not connected with a profit-making business enterprise or the promotion of any product, service, or cause that has not received prior approval of this agency. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password by others.

204.4 EMAIL RECORD MANAGEMENT

Because the email system is not designed for long-term retention of messages, email that the employee desires to save or that becomes part of an official record can be printed and/or stored in another database. Users of email are solely responsible for the management of their mailboxes. Messages should be accessed and read each work day and purged manually by the user on a regular basis.

Administrative Communications

205.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members with the protocols and forms to be used for internal administrative communications. Administrative communications of this department are governed by the following policies.

205.2 DEPARTMENT EMAIL

Department email may be issued periodically by the Chief of Police or authorized designee to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

205.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on Department letterhead. All Department letterhead shall bear the official Department seal. Personnel should use Department letterhead only for official business and with approval of their supervisor.

205.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or a Division Captain.

205.5 INFORMATIONAL MEMOS

Department members may issue memoranda, via chain of command, for the purpose of disseminating information to City personnel.

Staffing Levels

206.1 PURPOSE AND SCOPE

The Beaverton Police Department provides police services (including patrol operations and the processing of crime, traffic crash, and other investigative scenes) 24-hours, seven (7) days a week. The purpose of this policy is to ensure that proper staffing is available for all shifts. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the Department's need to meet operational requirements. Minimum staffing levels are determined by department management.

Concealed Handgun License

207.1 PURPOSE AND SCOPE

The Sheriff of a county shall issue Oregon concealed handgun licenses to qualified applicants upon receipt of the appropriate fees and after compliance with the procedures set out in ORS 166.291 through ORS 166.295. Police Departments should refer inquiries related to concealed handgun licenses to the Sheriff's Office.

Retiree Concealed Firearms

208.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Beaverton Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

208.2 POLICY

It is the policy of the Beaverton Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

208.3 LAW ENFORCEMENT OFFICERS SAFETY ACT (LEOSA)

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this department as a sworn officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 20 years or more or, if employed as a law enforcement officer for less than 20 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that they are not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

208.3.1 IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify them as having been employed as an officer.

If the Beaverton Police Department qualifies a retiree, a separate LEOSA qualification card should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

208.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when:

- (a) In possession of photographic identification that identifies them as having been employed as a law enforcement officer, and one of the following:
 - (a) An indication from the person's former law enforcement agency that they have, within the past year, been tested or otherwise found by the law enforcement

Retiree Concealed Firearms

agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

- (b) A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by Oregon law or by a private person or entity on their property if such prohibition is permitted by Oregon law.

208.4 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Services Division Captain of their arrest or conviction in any jurisdiction, or that they are the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.

208.4.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both their personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that they are not prohibited by law from receiving or possessing a firearm.

208.5 FIREARM QUALIFICATIONS

The Rangemaster may provide retirees from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and TASER Devices policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows themselves to be searched, escorted, handcuffed or restrained.

Physical control – The use of techniques intended to control an individual that are not likely to cause a physical injury. Escort holds, wrist locks, takedown techniques, waist restraints, and handcuffing are some examples of physical control.

Physical force – The use of any impact weapon or technique that is likely to cause a physical injury. TASER, less lethal munitions, focused blow(s), canine bite, pepper spray, edged weapon, spike strips, and the Pursuit Intervention Technique (PIT) maneuver are some examples of physical force.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

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

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

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE AND REPORT

Without regard to rank or assignment, a police officer or reserve officer shall intervene to prevent or stop another police officer or reserve officer engaged in any act the intervening officer knows or reasonably should know is misconduct, unless the intervening officer cannot intervene safely.

A police officer or reserve officer who witnesses another police officer or reserve officer engaging in misconduct or a violation of the minimum standards for physical, emotional, intellectual and moral fitness for public safety personnel established under ORS 181A.410 shall report the misconduct or violation to a supervisor as soon as practicable, but no later than 72 hours after witnessing the misconduct or violation (ORS 181A.681).

300.2.2 STATE REPORTING REQUIREMENTS

A report of another member using excessive force must be made to a supervisor no later than 72 hours after the misconduct was witnessed (ORS 181A.681).

300.2.3 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly

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unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers shall use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion) (ORS 161.233; ORS 161.242).

300.3.2 USE OF FORCE - JUSTIFICATION

An officer is justified in using force upon another person only when and to the extent that the officer reasonably believes it necessary (ORS 161.233):

- (a) To make a lawful arrest or to prevent the escape from custody of an arrested person; or
- (b) For self-defense or to defend a third person from an imminent threat of physical injury.

300.3.3 VERBAL WARNING PRIOR TO USE OF FORCE

Prior to using physical force, if reasonable to do so, officers shall give a verbal warning that physical force may be used and provide a reasonable opportunity to comply (ORS 161.233; ORS 161.242).

300.3.4 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and their ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.

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- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.5 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

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

300.3.6 RESPIRATORY RESTRAINT/CHOKEHOLD

The use of a respiratory restraint, also known as a chokehold, is prohibited unless the circumstance is one in which the law enforcement officer may use deadly physical force as provided in ORS 161.239.

Officers shall not knowingly use physical force that impedes the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person unless the circumstance is one in which the officer may use deadly physical force as provided in ORS 161.239.

300.3.7 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration

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or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Beaverton Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify the officer as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk (ORS 161.242):

- (a) An officer may use deadly force to protect themselves or others from what the officer reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.
- (c) An officer may use deadly force to make a lawful arrest when the officer has probable cause to believe that the person has committed a violent felony as defined in ORS 419A.004.
- (d) An officer may use deadly force to prevent a person from escaping custody when the officer has probable cause to believe that the person has committed a violent felony as defined in ORS 419A.004.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why they believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 USE OF FORCE IN THE POLICE REPORT

- (a) The arresting officer and any other officer involved in the use of force shall report the use of force in the narrative section of their written police report when:
 - (a) Any physical injury or less than physical injury is apparent to either an officer or individual as a result of the use of force.
 - (b) Medical treatment is required or requested.
 - (c) The force used relates to a criminal charge where the officer is the victim (e.g., resisting arrest, assault, endangering, or harassment).
 - (d) The individual claims a physical injury or less than physical injury, whether or not an injury is apparent to the officer.
 - (e) The use of force involves the use of any impact weapon, physical force, and/or tactical vehicle intervention.
 - (f) The pointing of a firearm at a person.
- (b) The police report narrative shall describe the physical force used as well as the articulated 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. The following shall also be included in the report:
 - (a) Weapons used, injuries, medical care received, and details of the incident shall be reported in detail.
 - (b) Witnesses shall be listed.
 - (c) A copy of medical records shall be attached if possible.
 - (d) When possible, photographs and/or video (standard and/or body-worn camera) of the officer's/suspect's injuries shall be taken and included in the police report.

300.5.2 OTHER REPORTING

- (a) In addition to the police report narrative, if force is used to control a person, a physical control report text template must be generated in PSNet by the officer using the force

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including each use of force. A physical control report must be completed by the officer using the force if:

1. The level of intervention used to control a person involved force (refer to Definitions in this policy)
2. The pointing of a firearm (even when it is the only force used);
3. The level of force used to control a person involved deadly force.

300.5.3 NOTIFICATIONS TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.4 USE OF FORCE INCIDENT REVIEW PROCESS

In addition to any police reports and Physical Control Reports, a Use of Force Incident Review will be completed by a supervisor on all incidents regarding the use of physical force when:

- (a) There is physical injury (Assault IV standard) to a member officer or individual.
- (b) The level of force used involved the use, or attempted use, of physical force as defined in this policy's definitions.
- (c) Any use of force situation deemed appropriate by a sergeant or lieutenant.
- (d) In the event of a use of deadly force, no Use of Force Incident Review will be completed by the supervisor and the investigation will be initiated and conducted by an outside agency.

The Use of Force Incident Review will be initiated by a supervisor and forwarded via their chain of command. The supervisor reviewing the use of force will make an initial determination as to whether the use of force was reasonable, justified, and within policy. If the supervisor is involved in the use of force or supervised the use of force, an uninvolved supervisor will initiate the Use of Force Review process.

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The lieutenant and captain reviewing the Use of Force Incident Review will also make a determination as to whether the use of force was reasonable, justified and within policy. If the lieutenant or captain deems the use of force to be reasonable and within policy, they will forward the Use of Force Incident Review to the Professional Standards Lieutenant for entry into the Professional Standards database. The Professional Standards Lieutenant will present all Use of Force Review findings to Senior Command.

If the lieutenant or captain deems that the use of force requires a more in-depth review, the Use of Force Incident Review will be forwarded to Professional Standards with a recommendation to convene a Use of Force Review Board or an Internal Investigation.

The Professional Standards Lieutenant shall be responsible for reviewing all Use of Force Incident Reviews to make a final determination as to whether the use of force was reasonable, justified and within policy.

Any use of force situation that involves less lethal deployment (40mm, bean bag), the discharge of a firearm, PIT maneuver or a canine bite shall automatically be reviewed by a Use of Force Review Board.

The lieutenant or captain will have the authority to send any Use of Force Incident Review to a Use of Force Review Board or to an internal investigation. All use of physical force and deadly force incidents will be reviewed by Professional Standards as soon as practical for the purpose of evaluating current training practices and effectiveness.

[See attachment: Policy 300 - PS Incident Review Flow Chart -02-15-23.pdf](#)

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would

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be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived their *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure photographs are taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports. (Refer to Use of Force Flow Chart in Section 300.5.)
- (g) Forward reports and Use of Force Incident Review to the division lieutenant.
- (h) Determine if there is any indication the individual may pursue civil litigation.

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1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
 - (i) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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

300.7.1 LIEUTENANT RESPONSIBILITY

A lieutenant shall review each use of force by any personnel within their command to ensure compliance with this policy and to address any training issues. (Refer to Use of Force Flow Chart in Section 300.5.)

300.8 TRAINING

Officers will receive annual training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

300.9 USE OF FORCE ANALYSIS

At least annually, the Professional Standards Lieutenant shall prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police and accreditation manager. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.9.1 NATIONAL USE OF FORCE DATA REPORTING

The Professional Standards Lieutenant will ensure the department participates in the National Use of Force Data Collection of the Federal Bureau of Investigation by submitting statistical data (ORS 181A.663).

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Beaverton Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

301.2 POLICY

The Beaverton Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or serious physical injury to another, that employee will be placed on temporary administrative leave pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee on administrative leave in any case.

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in serious physical injury or death to another. The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on or off-duty, excluding training, dispatch of injured animals, or recreational use. The Use of Force Review Board will investigate and review canine bites resulting from a use of force application; use of impact weapons; less lethal munitions (e.g., bean bag and 40mm); all Taser deployments (whether or not the deployment was successful), and use of the Pursuit Intervention Technique (PIT) maneuver.

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

Professional Standards will convene the Use of Force Review Board as necessary. It will be the responsibility of the division lieutenant/supervisor of the involved employee to notify Professional Standards of any incidents requiring board review. The involved employee's division lieutenant/supervisor will also ensure that all relevant reports, body-worn camera DME, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Professional Standards Sergeant should select five Use of Force Review Board members from the following, as appropriate:

- Senior Training Officer

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- Sergeant or Lieutenant (not in the same division as the involved employee)
- A peer employee
- Field Training Officer
- Department instructor for the type of weapon, device or technique used

301.4.2 RESPONSIBILITIES OF THE BOARD

- (a) The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.
 1. The board members may request further investigation and/or request reports to be submitted for the board's review.
 2. The board does not have the authority to recommend discipline.
 3. The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.
 4. The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.
- (b) The board shall make one of the following recommended findings:
 1. Was the use of force reasonable, based on the information known to the officer(s) at the time force was used, and
 2. Should the Department modify its training on the use of force and/or provide additional training to the involved officer(s), and
 3. Should the Department examine its policies or procedures regarding the use of force.
- (c) A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Professional Standards Lieutenant.
- (d) The Professional Standards Lieutenant will review the recommendation and forward it to the Division Captain of the involved employee. The Division Captain shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure, and will determine whether any additional actions, investigations or reviews are appropriate.
- (e) The Division Captain's findings will be forwarded to Professional Standards and the involved employee's division lieutenant for review and appropriate action. If the

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Division Captain concludes that discipline should be considered, a disciplinary process will be initiated.

- (f) At the conclusion of any additional reviews, copies of all relevant reports, body-worn camera DME, and information will be filed with Professional Standards.

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

302.2 POLICY

The Beaverton Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed Beaverton Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

Handcuffing and Restraints

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

302.3.3 RESTRAINT OF JUVENILES

A juvenile under 12 years of age should not be restrained unless they are suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure themselves, injure the officer(s), others, or damage property.

302.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size or existing medical condition, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

302.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally.

Handcuffing and Restraints

Officers should provide assistance during the movement of a person wearing a spit hood due to the potential the person's vision may be impaired or distorted. Officers shall not reuse spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Department shall be used.

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

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the person from their own actions (e.g., hitting their head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

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- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on their stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on their stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the officer shall receive supervisor approval if EMS personnel requests an officer to accompany the restrained person. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 RESTRAINT CHAIR

Officers may use the restraint chair when a prisoner presents a threat to themselves, to an officer, or to the general safety and security of the police department. An on-duty sergeant or lieutenant must approve the use of the restraint chair and be present (if possible) when a prisoner is placed into the chair. The restraint chair should only be used as a control measure. The restraint chair will not be used as a form of punishment.

Procedure for placing a prisoner in the restraint chair:

- (a) Secure each arm and leg to the chair using the appropriate straps.
- (b) Secure all chair straps snugly. The chair restraints should not be secured so tight that it restricts blood flow or the ability to breathe.
- (c) Isolate the prisoner in the restraint from other prisoners.
- (d) After a prisoner has been placed in a restraint chair, an officer must continuously supervise them during the first 15 minutes to monitor the prisoner and adjust the restraints if necessary.
- (e) A new jail log entry will be completed and the use of the chair shall be noted in the "Cell" section.
- (f) After the initial 15-minute observation period, an officer shall monitor the prisoner every 15 minutes and record it on the jail log.
- (g) If the prisoner is in the chair for more than two hours, at least two officers will briefly free the prisoner's legs so that the prisoner may stretch and flex their muscles. The prisoner's legs should be freed one at a time to minimize the danger of an assault on the officers.

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- (h) If the prisoner complains of injury or pain, which is beyond mere discomfort, the officer monitoring the prisoner shall immediately notify the on-duty supervisor and cause emergency medical personnel to respond and examine the prisoner.
- (i) An officer, with approval of the shift supervisor, shall remove the prisoner from the restraint chair as soon as the prisoner's behavior is under control and the purpose of the restraint has been met.
- (j) If circumstances justify its re-use, a subject may be placed back into the restraint chair at the direction of the on-duty supervisor.
- (k) When a prisoner is removed from the restraint chair, the time shall be entered into the jail log under "Out Time" and if the prisoner is placed into a cell, the prisoner shall be re-entered into the jail log.
- (l) When a prisoner who has been placed into a restraint chair is transported to jail, the arresting officer shall inform jail personnel as to the reason for the restraint and the amount of time the prisoner was confined in the chair.

Restraint Chair Use for Court Purposes. Officers may use the restraint chair for municipal court purposes during all non-jury court appearances. The restraint chair shall only be used when a prisoner presents a threat to themselves, the officer, or to the general safety and security of the court. The restraint chair may also be used when a prisoner being held at the Beaverton Police Department has a court appearance and refuses to go to court. The restraint chair will only be used at the direction of an on-duty supervisor. The restraint chair shall not be used for court appearances where a jury is present.

302.9 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

Handcuffing and Restraints

302.10 TRAINING

The Training Sergeant should ensure officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

303.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Beaverton Police Department authorizes officers to use control devices (e.g., Oleoresin Capsicum (OC) spray, flexible batons, 40mm munitions) in accordance with the guidelines in this policy and the Use of Force Policy. The Chief of Police may also authorize other positions or individual Department members to use specific control devices.

303.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain, or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

303.4 RESPONSIBILITIES

303.4.1 LIEUTENANT RESPONSIBILITIES

A Lieutenant may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

303.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

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303.4.3 USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt or LBV (refer to Uniform Regulations Policy). Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

303.6 CROWD CONTROL GUIDELINES

For the purpose of this section, "crowd control" means an operation in which crowds are managed to prevent the outbreak of violence or physical harm to persons, or in which an assembly, protest, or demonstration is dispersed (ORS 181A.708).

Handheld chemical incapacitants and kinetic impact projectiles as defined by ORS 181A.708 shall not be used for crowd control. Tear gas may be used for crowd control when the Lieutenant, Incident Commander, or Crisis Negotiations Unit (CNU) Commander reasonably believes that the use is necessary to prevent death or serious bodily injury or to bring an objectively dangerous and unlawful situation under control (ORS 181A.708).

Prior to deploying tear gas for crowd control purposes, the Lieutenant, Incident Commander, or CNU Commander shall direct that the intent to use tear gas be announced twice via reasonable and available means, the second announcement occurring after a reasonable amount of time has elapsed to allow for crowd dispersal (ORS 181A.708).

303.6.1 ADDITIONAL CROWD CONTROL CONSIDERATIONS

Officers may not use electronically amplified noise-producing equipment for crowd control except to make announcements, facilitate movement of emergency vehicles, or as otherwise allowed by law. When possible, announcements shall be made both audibly and visually (ORS 181A.708).

After deploying chemical incapacitants, kinetic impact projectiles, or sound devices in a crowd control operation, and when it is possible to do so safely, officers shall (ORS 181A.708):

- (a) Attempt to take injured individuals to safety or allow them to seek medical help.
- (b) Allow emergency medical personnel to reach injured individuals.

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- (c) Take reasonable action to accommodate individuals with disabilities when issuing or enforcing orders to disperse.
- (d) Coordinate the removal of visible debris caused by the use of tear gas and kinetic impact projectiles.
- (e) Make reasonable efforts to notify emergency departments in the vicinity of the type of chemical incapacitants and/or kinetic impact projectiles used.

303.7 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only a Lieutenant or Incident Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

303.8 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in, violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public (ORS 181A.708).

303.8.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its approved carrier on the equipment belt or in one of the LBV pockets (refer to Uniform Regulations Policy). Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

303.8.2 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

303.9 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle, or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

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303.10 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

303.10.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease their actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm themselves or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.10.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to

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manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others (ORS 181A.708).

303.10.3 COMPRESSED GAS LAUNCHER SYSTEM

The compressed gas launcher is a system that delivers projectiles with enough force to burst the projectiles on impact. The projectiles are plastic spheres that may be filled with a derivative of OC powder (pepperballs), inert powder, water, marking rounds, and/or glass breaking rounds. Because the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin, personnel using a compressed gas launcher should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a compressed gas launcher shall notify a supervisor as soon as practicable. A supervisor shall respond to all compressed gas launcher incidents where the suspect has been hit or exposed to the chemical agent or impacted with any projectile.

The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy. Each deployment of a compressed gas launcher shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a compressed gas launcher, such as training and product demonstrations, is exempt from the reporting requirement.

All kinetic energy projectile guidelines and Oleoresin Capsicum (OC) guidelines apply to the usage and deployment of a compressed gas launcher where applicable.

303.10.4 TREATMENT FOR KINETIC ENERGY PROJECTILES

Individuals who are struck with kinetic energy projectiles shall be transported to a medical facility for examination.

303.11 TRAINING FOR CONTROL DEVICES AND TECHNIQUES

In addition to training physical control and pain compliance techniques described in the Use of Force Policy, the Training Sergeant shall ensure all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified every two years.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.

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- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

303.12 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

TASER Devices

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER devices.

304.2 POLICY

The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury.

There may be a multitude of appropriate use of force responses to any given situation. The use of a TASER device or restraint from use will be judged in the same context as any use of force response.

304.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training may be issued and carry the TASER device.

TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use TASER devices and cartridges issued by the Department. Uniformed officers issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers shall ensure the TASER device is secure.

Members carrying the TASER device should perform a spark test on the unit prior to every shift.

When carried while in uniform, officers shall carry the TASER device on the side opposite the duty weapon.

- (a) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.
- (b) At the beginning at each shift, the TASER will be inspected for damage and cleanliness. The battery display will be checked on the TASER. A reading of 20% or less (LO BATT) will require the DPM/battery pack be changed and the TASER will be taken out of service. The DPM/battery pack will only be changed by members authorized by the Training Division.
- (c) When off-duty, TASERs must be stored and secured in a climate-controlled area (i.e., locker), not in a vehicle.
- (d) The Training Division is responsible for ensuring the TASER devices are properly maintained and in good working order.
- (e) Officers should not hold both a firearm and the TASER device at the same time.

TASER Devices

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

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

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

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER device in the related report.

304.5 USE OF THE TASER DEVICE

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator reasonably believes they can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

304.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting in a manner which reasonable appears to present the potential to harm officers or others.
- (b) The subject has demonstrated an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves or others. Verbal threats of violence by a suspect do not alone justify the use of the TASER.

Mere flight from a pursuing officer is not good cause for the use of the TASER device to apprehend an individual if the subject is not an imminent threat to officers or the public.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device on certain individuals or under certain circumstances should generally be avoided unless the totality of the circumstances indicates that other available options

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reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device.

- (a) When practicable, avoid using a TASER on a person in the following circumstances unless the situation justifies an increased risk:
 - 1. Is on an elevated or unstable surface (e.g., tree, roof, ladder, ledge, balcony, porch, bridge or stair);
 - 2. Could fall and suffer serious injury to the head or other area;
 - 3. Could fall on a sharp object or surface (e.g., holding a knife, falling on glass);
 - 4. Is less able to catch or protect self in a fall (e.g., restrained or handcuffed);
 - 5. Has known impaired reflexes (e.g., from alcohol, drugs or certain medications);
 - 6. Have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any know combustible vapor or flammable material, including alcohol based oleoresin capsicum (OC) spray.
 - 7. Is running or moving under momentum;
 - 8. Is operating or riding any mode of transportation (e.g., vehicle, bus, bicycle, motorcycle, or train), conveyance (e.g., escalator, moving walkway, elevator, skateboard, rollerblades), or machinery; or
 - 9. Is located in water, mud or marsh environment if the ability to move is restricted.
- (b) When practicable, avoid using a TASER on a person in the following conditions unless the situation justifies an increased risk. Individuals who are:
 - 1. Known to be pregnant
 - 2. Elderly or infirmed
 - 3. Children or people with low body-mass index
 - 4. Handcuffed
 - 5. Known to have a heart condition
 - 6. Known to have a pacemaker or implanted defibrillators
 - 7. Suffering from excited delirium, profound agitation, severe exhaustion, drug intoxication or chronic drug abuse, and/or over-exertion from physical struggle.

The TASER device shall not be used to psychologically torment, elicit statements or to punish any individual.

304.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass (below the chest for front shots and below the neck area for back shots) and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more

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probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

Optimum range for probe deployment is 7 to 15 feet with a 21 foot maximum distance. Deployment of the TASER cartridge at distances of less than three feet will not result in temporary immobilization or central nervous system disruption.

304.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications and/or simultaneous applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device discharges. The expended cartridge shall be collected and submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. If the Taser probes penetrate the subject's skin, refer to Section 304.7 Medical Treatment.

304.5.6 DANGEROUS ANIMALS

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department TASER devices while off-duty.

Officers shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

304.6 DOCUMENTATION

Officers shall document all TASER discharges in the related arrest/crime report and the Use of Force report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges of a TASER cartridge will be reported to the officer's supervisor and documented in a General Offense report.

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304.6.1 REPORTS

The officer should include the following in the arrest/General Offense report:

- (a) Identification of all personnel firing TASER devices
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

304.7 MEDICAL TREATMENT

When feasible, appropriate medical personnel should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device.

304.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to and review each incident where probes are fired from a TASER or the TASER is used in drive-stun mode. Photographs of probe sites should be taken and witnesses interviewed.

TASER Devices

304.9 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training by a certified instructor.

Recertification training for personnel who have been trained to use TASER devices should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Division Sergeant. All training and proficiency for TASER devices will be documented in the officer's training file.

Command staff, supervisors and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

Officers who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Division Sergeant is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

The Training Division Sergeant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

[See attachment: Policy 305 Officer Involved Shooting Wash Co Protocol-SB 111.pdf](#)

[See attachment: Policy 305 Officer Use of Deadly Physical Force Timeline.pdf](#)

305.2 POLICY

The policy of the Beaverton Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

305.3 TYPES OF INVESTIGATIONS

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

- (a) A criminal investigation of the suspect's actions.
- (b) A criminal investigation of the involved officer's actions.
- (c) An administrative investigation as to policy compliance by involved officers.
- (d) A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from the Washington County Major Crimes Team (MCT) will be assigned to work on the criminal investigation of officer-involved shootings and deaths. The Major Crimes Team is led by the District Attorney's Office and is made up of detectives and sergeants from Washington County law enforcement agencies, forensic experts, and representatives from dispatch. The investigation may include at least one investigator from the agency that employs the involved officer.

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

[See attachment: Policy 305 Major Crimes Team MOU-Protocol.pdf](#)

Officer-Involved Shootings and Deaths

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police or the authorized designee and with concurrence from the other agency. (See the Investigation of Related Crimes Subsection in this Policy.)

305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the Washington County Major Crimes Team Protocol. When an officer from this department is involved, the criminal investigation will include at least one investigator from another law enforcement agency (ORS 181A.790).

The District Attorney may request a BPD detective on the Major Crimes Team to lead or be directly involved with the investigation of a shooting or death involving an outside agency's officer.

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.5 INVESTIGATION PROCESS

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

305.5.1 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved BPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 - 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any BPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - (a) Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 - (b) The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Patrol Lieutenant and WCCCA. If feasible, sensitive information should be communicated over secure networks.

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- (d) Take command of and secure the incident scene with additional BPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - (a) Each involved BPD officer should be given an administrative order not to discuss the incident with other involved officers or BPD members pending further direction from a supervisor.
 - (b) When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that the officer is provided with a comparable replacement weapon or transported by other officers.

305.5.2 PATROL LIEUTENANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Patrol Lieutenant shall be responsible for coordinating all aspects of the incident until they are relieved by the Chief of Police, Deputy Chief, or a Division Captain.

All outside inquiries about the incident shall be directed to the Patrol Lieutenant.

305.5.3 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Deputy Chief
- Division Captain
- Public Information Officer
- Major Crimes Team
- District Attorney
- Professional Standards Lieutenant
- Peer Support Team
- Chaplain
- Medical Examiner (if necessary)
- Officer representative (if requested)
- BPA representative
- City Attorney

305.5.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal representation will be accommodated.

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- (a) Involved BPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
- (b) Requests from involved non-BPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be confidential only as to the discussion of non-criminal information.
- (d) A mental health professional shall be provided by the Department. The Department shall pay for at least two sessions with a mental health professional for each involved BPD officer. The sessions shall take place within six months of the incident, and an involved officer shall attend at least one session. As it relates to this mandatory session, "involved officer" means (ORS 181A.790):
 - 1. An officer whose official conduct, or official order to use deadly physical force, was a cause in fact of the death of a person.
 - 2. An officer whose official conduct was not a cause in fact of the death of a person, but who was present before or during the deadly use of force and was reasonably likely exposed to more than a minor degree of stress or trauma.
- (e) A mental health professional may also be provided to any other affected BPD members, upon request.
 - 1. Interviews with a mental health professional will be considered privileged.
 - 2. An interview or session with a mental health professional may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a mental health professional prior to providing a formal interview or report.
 - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (f) Communications between the involved officer and a peer support member are addressed in the Peer Support Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved officer shall be given reasonable paid critical incident leave following an officer-involved shooting. It shall be the responsibility of the Patrol Lieutenant to make schedule adjustments to accommodate such leave.

Officer-Involved Shootings and Deaths

305.5.5 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved BPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

305.5.6 DUTY ASSIGNMENT RESTRICTIONS

The Department should not return an involved officer to a duty assignment in which the officer may have to use deadly force for at least 72 hours after an incident where the application of deadly force resulted in the death of a person. The Department shall maintain the regular pay and benefits for any involved officer whose assignment is adjusted pursuant to this section (ORS 181A.790). As it relates to this duty assignment restriction, "involved officer" means (ORS 181A.790):

- (a) An officer whose official conduct, or official order to use deadly physical force, was a cause in fact of the death of a person.
- (b) An officer whose official conduct was not a cause in fact of the death of a person, but who was present before or during the deadly use of force and was reasonably likely exposed to more than a minor degree of stress or trauma.

305.6 CRIMINAL INVESTIGATION

The Major Crimes Team led by the District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) BPD supervisors and Professional Standards personnel should not participate directly in any voluntary interview of BPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of their choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

Officer-Involved Shootings and Deaths

- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED BPD OFFICERS

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

Assigned investigators will write reports for the BPD officer(s) who are directly involved with the shooting (those who fired or were very close to the shooting) based on the interview(s) of those officers. Generally, officers who are peripheral witnesses at some level (eye or ear witnesses) will write their own reports. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

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

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

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 - (a) When feasible, a statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - (b) Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to their departure should be made whenever feasible.

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- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.6.3 INVESTIGATION OF RELATED CRIMES

Handling the investigation of other related crimes will generally be discussed with the CID supervisor and members of the Major Crime Team to determine if the investigation will be conducted apart or if the related crimes will be investigated in conjunction with the Major Crime Team's OIS investigation.

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated CID supervisor to assign appropriate investigative personnel to handle the investigation of related crimes if required. Department investigators may be assigned to work with investigators from the Major Crimes Team on the OIS investigation and/or to separately handle the investigation of any related crimes not being investigated by the Major Crimes Team.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated CID supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Captain.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved BPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of Professional Standards and will be considered a confidential officer personnel file. The investigation will be categorized as administrative.

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of their prior statement before proceeding with any subsequent interviews.

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- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
 - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
 - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, they should be given their *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 - 5. Professional Standards shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 - 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
 - 7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

305.9 AUDIO AND VIDEO RECORDINGS

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

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305.10 DEBRIEFING

Following an officer-involved shooting or death, the Beaverton Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

305.10.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the District Attorney working with the Major Crimes Team, and the supervisor and department representative responsible for each phase of the investigation. Media releases will be available to Department personnel in the event of inquiries from the media.

No involved BPD officer shall make any comment to the media unless they are authorized by the Chief of Police or the authorized designee.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.12 REPORTING

If the death of an individual resulted from an officer use of deadly force and occurred in the Beaverton Police Department jurisdiction, the Patrol Division Captain will ensure that the Records Manager is provided with enough information to meet the reporting requirements to the Department of Justice (ORS 181A.790).

Firearms and Qualifications

306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

306.2 POLICY

The Beaverton Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster or the department armorer. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the Chief of Police or the authorized designee. This exclusion does not apply to the carrying of knives that are not otherwise prohibited by law.

306.3.1 HANDGUNS

The authorized department-issued handguns are Glocks in 9mm and .40 Caliber. Other models of weapons may be carried by qualified members with specific authorization by the department rangemaster. The authorization shall be documented.

306.3.2 40MM LAUNCHERS

The department authorizes the use of 40mm launchers. The 40mm launchers will be approved and maintained by the department rangemaster.

When not deployed, the 40mm launcher shall be properly secured in a hard-sided case in the trunk of the patrol vehicle with the cylinders loaded, the action closed, and the weapon on safe position.

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306.3.3 PATROL RIFLES

Patrol rifle is a department-owned authorized weapon that is made available to properly trained and qualified officers as a supplemental resource to their duty handgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police or the authorized designee and the department rangemaster.

306.3.4 PATROL RIFLES, SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police, and issued by the department may be used by officers in their law enforcement responsibilities.

- (a) The authorized patrol rifle issued by the department is the AR-15 model. The ammunition will consist of the department-approved quality factory load in a 5.56 Nato/.223 Remington caliber. Each rifle will be deployed with a minimum of two (2) magazines, each magazine with a minimum capacity of eighteen (18) rounds of ammunition.
 - 1. No modifications to the patrol rifle will be performed without authorization of the rangemaster. No modifications to the internal mechanical functions of the weapon will be authorized.
 - 2. Any accessories added to the patrol rifle will be authorized and approved by the rangemaster. The following is a list of accessories installed on the patrol rifle by the Training Division:
 - Sling (one, two or three point)
 - Optical Sight
 - Flip-up Iron Sight (as needed)
 - Weapon mounted light

306.3.5 PATROL RIFLES, DEPLOYMENT

- (a) Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:
 - 1. Situations where the member reasonably anticipates an armed encounter.
 - 2. When a member is faced with a situation that may require accurate and effective fire at long range.
 - 3. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
 - 4. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
 - 5. When a member reasonably believes that a suspect may be wearing body armor.

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6. When authorized or requested by a supervisor.
7. When needed to euthanize an animal.
- (b) When not deployed, the patrol rifle shall be patrol car ready and properly secured in a locking weapons rack in the patrol vehicle. If the patrol vehicle is not equipped with a locking weapons rack, the rifle will be carried in a rifle case approved by the Rangemaster and secured in the trunk of the vehicle.
- (c) The patrol rifle is patrol car ready when it has been inspected by the assigned officer and meets the following conditions:
 1. The chamber is empty.
 2. The rifle bolt is forward.
 3. The fire selector is on safe.
 4. Loaded magazines in the magazine well of the rifle.

306.3.6 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and approved by the Rangemaster.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify annually. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

306.3.7 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

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- (a) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (b) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (c) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that they are proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (d) The member will successfully qualify with the firearm prior to it being carried.
- (e) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- (f) If a member desires to use more than one firearm while off-duty, they may do so, as long as all requirements set forth in this policy for each firearm are met.
- (g) Members shall only carry manufacturer-specified ammunition.
- (h) When armed, officers shall carry their badges and Beaverton Police Department identification cards under circumstances requiring possession of such identification.

306.3.8 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms annually. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

306.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

306.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member's personally owned firearm shall be done at their expense and must be approved by the Rangemaster.

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306.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members while on duty. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

306.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

306.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members may dry fire or practice quick draws with Rangemaster approval.
- (c) Officers shall use a clearing barrel to unload and load firearms when cleaning or repairing firearms within the department.
- (d) Rifles removed from the equipment storage room shall be made patrol car ready at the clearing barrels.
- (e) Rifles removed from vehicles shall be unloaded in the parking lot and outside the vehicle or at the clearing barrels.
- (f) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. It shall be the responsibility of the releasing officer to make sure that persons from outside agencies do not enter the jail section with any firearm.
- (g) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (h) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department Rangemaster for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

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306.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. 40mm launchers and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the 40mm launcher and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms, with the exception of handguns, shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. 40mm launchers and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

306.5.2 STORAGE AT HOME

Members shall ensure that all firearms are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

306.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All sworn personnel are required to qualify three times annually with their duty weapon on an approved range course. An additional scored or unscored course simulating field situations may be substituted for one of these qualifications. Absences may be granted on a case-by-case basis with supervisory approval, not to exceed two range sessions in one Calendar Year, except in extraordinary circumstances.

- (a) The Rangemaster shall keep accurate records of qualifications, repairs, maintenance, and training, or as directed by the Professional Standards Lieutenant.
- (b) All personnel carrying a firearm will receive training on and demonstrate their knowledge and understanding of the Use of Force Policy at least annually.
- (c) All firearms proficiency training and qualification courses shall be conducted under the supervision of currently certified firearms instructors.

306.6.1 PATROL RIFLE TRAINING AND QUALIFICATIONS

Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training.

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Patrol rifle - Training shall consist of an initial 10-hour patrol rifle user's course and qualification score with a firearms instructor. Officers additionally, over time, can be trained and qualified through equivalent courses to deploy with a patrol rifle after completing and demonstrating core competency requirements matching those requirements given in the initial patrol rifle user's course.

Officers shall thereafter be required to successfully complete annual training and qualification conducted by a firearms instructor.

306.6.2 NON-CERTIFICATION OR NON-QUALIFICATION

Sworn members are required to qualify with their duty weapon as a condition of employment. If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall submit a memorandum to their immediate supervisor prior to the end of the required shooting period.

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

Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and allowed an additional attempt on the same day. If the sworn member fails on their second qualification attempt, the member will be provided individual firearms training and scheduled for a final qualification attempt within 20 calendar days of their first attempt.

306.6.3 PATROL RIFLE NON-CERTIFICATION OR NON-QUALIFICATION

Any officer who fails to qualify on their first attempt shall be provided remedial training until proficiency is demonstrated and allowed an additional attempt on the same day. If the officer fails the second attempt, the officer's authority to carry a patrol rifle shall be suspended. Within 20 calendar days, the officer will be provided individual firearms training and a final opportunity to qualify. Officers who fail to qualify on the final attempt will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol rifle user's course and qualification.

306.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to their supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with their supervisor or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

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- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

306.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER device, oleoresin capicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

306.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

306.7.3 WARNING AND OTHER SHOTS

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

306.7.4 DIRECTED FIRE

Directed Fire is the delivery of controlled rounds directed at a known backstop near the location of the threat. The backstop is the intended target, and must be capable of containing the officer's rounds. The officer must know the general ballistic capability of their issued bullets from that particular firearm.

- *Example:* Firing rounds into a concrete foundation near the location of a deadly threat, with the intention of distracting or overwhelming the threat.
 - Large diameter trees
 - Curb abutments
 - Engine compartments of unoccupied vehicles

The use of Directed Fire is authorized when the totality of the circumstances specifically support this tactic and the member reasonably believes the tactic is necessary, effective and reasonably safe.

- *Example:* To execute the rescue of an officer or civilian during a situation involving an imminent deadly threat.

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306.7.5 INDEX SHOOTING OR INDEXING

Index Shooting or Indexing is defined when the shooter has the ability to engage a deadly threat who is only partially exposed or concealed behind an intermediate barrier. The officer must know the general ballistic capability of their issued bullets from that particular firearm.

- *Example:* A deadly threat fires at officers or community members from behind a bush. The officer knows where the threat is, and fires controlled rounds into the bush where the threat should be. *(The totality of the circumstances must specifically support this tactic.)*

The use of Index Shooting is authorized when the member reasonably believes that the use of this tactic is necessary, effective and reasonably safe.

306.7.6 SUPPRESSIVE FIRE

Suppressive fire is indiscriminate fire that is designed to distract or contain the threat.

- *Example:* Multiple rounds fired in the general direction of the threat location with the intention to overwhelm or distract the threat, regardless of the consequences.

The use of Suppressive Fire is not authorized.

306.8 RANGEMASTER DUTIES

Any person serving in the capacity as a Rangemaster for the department must be currently certified as a firearms instructor. The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-participation or non-qualification.

The range shall remain operational and accessible to department members during hours established by the department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to their personally owned firearm; it will not be returned to service until it has been inspected and approved by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Training Sergeant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Sergeant.

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306.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Beaverton Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Beaverton Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the Officer's travel. If approved, TSA will send the Beaverton Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail their itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of their assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on their person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

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306.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry their Beaverton Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of administrative leave or suspension pursuant to a professional standards investigation.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects.

307.1.1 DEFINITIONS

Definitions related to this policy include:

Boxing-in - A coordinated tactic of positioning police vehicles, with contact or closely spaced, around suspect vehicle to stop or prevent a pursuit with vehicles that are stationary.

Pursuit Intervention Technique (PIT) - A controlled maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop in order to end or prevent a pursuit.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Tire deflation device - A device designed to deflate the tires of a vehicle either moving or preemptively under a stationary vehicle if it should be moved.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly and willfully failing to yield to an officer's emergency signal to stop.

Driving in an otherwise legal manner but failing to yield to an officer's signal to stop (typically emergency lights and siren) is considered failing to yield to an emergency vehicle. Upon further investigation a failure to yield may result in an Attempt to Elude charge, but not be considered a police pursuit.

307.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

307.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law (ORS 801.260).

Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (ORS 820.300; ORS 820.320):

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- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.
- (c) Disregard regulations governing direction of movement or turning in specified directions.

307.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Pursuits other than those authorized by this policy are specifically prohibited unless the particular circumstances provide a justification for a pursuit. The Beaverton Police Department authorizes vehicular pursuits in the following circumstances when the officer has a reasonable belief that risk to the public created by pursuing the suspect is less than the risk created by allowing the suspect to escape:

- (a) Where a violent felony has been committed, or the officer has a reasonable suspicion that a violent felony will be committed if the subject is allowed to escape, even if the subject is known and could be apprehended by a warrant at a later date.
- (b) When the officer has a reasonable suspicion that the driving conduct is so **reckless** that failure to apprehend the driver will endanger the driver of the suspect vehicle or the officer or members of the public, including occupants of the suspect vehicle. **The officer must have this reasonable suspicion prior to the initiation of the stop.**
- (c) When the officer has a reasonable suspicion that an assault in progress is occurring within a moving vehicle.
- (d) The suspect poses an immediate or future threat of death or serious bodily injury to officers or to the public.

Factors that should be considered, both individually and collectively, when deciding to initiate or continue a pursuit include but are not limited to:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

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- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is a comparatively minimal risk in allowing the suspect to be apprehended at a later date.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).
- (k) The availability of other resources such as aerial assistance.
- (l) Whether the pursuing vehicle is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspects' escape.

When a police officer or supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.

Termination of a pursuit will require all officers involved to turn off all emergency lights and sirens, then immediately stop their vehicle in a safe location for a period of 30 seconds. A supervisor may authorize an area check for the last known area the suspect was seen driving in or toward. The supervisor will determine how many additional units will assist if authorized. Assisting units driving to the area shall drive to their assigned areas, without emergency lights or sirens, obeying the posted speed limits, unless directed by the supervisor to respond in an emergency manner.

If the suspect vehicle is later located driving in a safe manner, supervisors may consider authorizing a preemptive PIT maneuver to avoid initiating an additional pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

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In addition to the factors that govern when to initiate a pursuit, other factors should also be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers, or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

Speed of a pursuit is a factor that should be evaluated on a continuing basis by officer and supervisors. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of occupants of the fleeing vehicle.

307.4 PURSUIT VEHICLES

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three police department emergency vehicles. However, the number of vehicles involved will vary with the circumstances.

An officer or supervisor may request additional vehicles to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

307.4.1 MOTORCYCLES

When involved in a pursuit, police motorcycles should be replaced by marked emergency vehicles as soon as practicable.

307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles or any air support.

Vehicle Pursuits

307.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless the officer is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to themselves or others.

After initiation of a pursuit, the primary pursuing officer shall notify the dispatcher a vehicle pursuit has been initiated, and as soon as practicable provide information including but not limited to:

- (a) The location, direction of travel, and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.
- (c) The reason for the pursuit.
- (d) The use of firearms, threat of force, violence, injuries, hostages, or other unusual hazards.
- (e) The number of occupants and identity or description.
- (f) The weather, road, and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

307.4.4 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

- (a) Immediately notifying the dispatcher of their entry into the pursuit.
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle, or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing officer is unable to provide.
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.
- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

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307.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 - 1. Request assistance from available air support.
 - 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle on the correct side of the roadway.
 - 3. Request other officers to observe exits available to the suspect.
 - 4. Notifying the Oregon State Police (OSP) or other law enforcement agency when it appears that the pursuit may enter its jurisdiction.
- (d) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

307.5.1 PURSUIT TRAILING

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

307.5.2 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If officers on the

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ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

307.5.3 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers who are not involved in the pursuit should remain in their assigned area, should not parallel the pursuit route and should not become involved with the pursuit unless directed by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a nonemergency manner, observing the rules of the road unless circumstances dictate otherwise.

Vehicles involved in the pursuit and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

- (a) Immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is in order to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in the field supervisor's judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Patrol Lieutenant is notified of the pursuit, as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.

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- (j) Controlling and managing Beaverton Police Department officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

307.6.1 PATROL LIEUTENANT RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Patrol Lieutenant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy.

The Patrol Lieutenant shall review all pertinent reports for content and forward to the Division Captain through Professional Standards.

307.7 WCCCA

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher.

307.8 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

307.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Beaverton Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The role and responsibilities of officers at the termination point of a pursuit initiated by this department shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit.

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307.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Beaverton Police Department, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practical, a supervisor or the Patrol Lieutenant should review a request for assistance from another agency. The Patrol Lieutenant or supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing agency by officers of this department will conclude at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that the termination point of a pursuit from another agency is within this jurisdiction, officers shall provide appropriate assistance, including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

307.9 VEHICLE INTERVENTION

Vehicle intervention is an attempt to stop the suspect's ability to flee in a vehicle through tactical application of technology, tire deflation devices, boxing-in, and/or PIT procedures.

307.9.1 WHEN USE IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing any vehicle intervention. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision. Factors such as speed, size and structure of the roadway, traffic conditions, hazards, weather, and other environmental factors should be considered prior to the application of any vehicle intervention.

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It is imperative that officers act within the bounds of legality, good judgment and accepted practices.

307.9.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers shall not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

307.9.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to the policies guiding such use. (Refer to Use of Force Policy.) Officers shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) All pursuit intervention techniques are limited to use by properly trained officers with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.
- (b) A preemptive PIT may be used when there is probable cause to arrest the driver or an occupant of a vehicle and when there is an objective reasonable belief the vehicle may attempt to elude, or the suspect has a history to elude, to prevent a pursuit. The use of a preemptive PIT should be attempted with additional members to provide cover, assist in the custody, and without the use of overhead lights and/or vehicle siren.
- (c) Boxing-in a suspect vehicle should only be attempted upon approval of a supervisor. The use of such a tactic must be carefully coordinated with all involved officers, taking into consideration the circumstances and conditions apparent at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (d) Tire deflation devices should be deployed only after notification of pursuing officers and the supervisor of the intent and location of the deployment, and in a manner that:
 - (a) Should reasonably only affect the pursued vehicle.
 - (b) Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
 - (c) Takes into account the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.
 - (d) Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.

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- (e) Only tire deflation devices such as spike strips shall be used on mobile vehicles.
- (f) Tire deflation devices may be used on stationary vehicles, including spike strips and single tire deflation devices. Tire deflation devices on stationary vehicles is authorized in situations where an articulated potential for subject flight is anticipated or a vehicle is intended to be secured as evidence. Stationary use of tire deflation devices is not considered a use of force.
- (g) Used spike strips only need to be retained as evidence in the event serious physical injury or death occurs as a result of the spike strip deployment; or as directed by a supervisor.

307.10 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or a supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

307.11 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

307.12 REPORTING REQUIREMENTS

BPD personnel shall document the details of all vehicle pursuits as follows:

- (a) Primary Pursuit Unit
 - 1. The primary officer shall complete a report detailing the pursuit including:
 - The initial reason for the pursuit.
 - The route of the pursuit.
 - Other police units/agencies involved, including officer's names.
 - Weather and traffic conditions on the route of the pursuit.
 - How and why the pursuit was terminated.
 - Any special circumstances that arose during the pursuit including a detailed description of any tactical vehicle intervention techniques that were used.
 - Any injuries or damage to vehicles or property.

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- Any other information pertinent to the pursuit.
- 2. Attach photograph(s) of the vehicles involved, any property damage and the site where any tactical vehicle intervention techniques were used.
- 3. Submit the report for supervisory approval.
- (b) Support Pursuit Unit(s)
 - 1. Complete a report detailing the pursuit and their involvement in the pursuit.
 - 2. Submit the report for supervisory approval.

307.13 VEHICLE PURSUIT REVIEW

BPD personnel shall review the details of all vehicle pursuits as follows:

- (a) On-Duty Sergeant
 - 1. Review the reports submitted by the primary pursuit unit and the support pursuit unit(s).
 - 2. Complete a pursuit review summarizing the pursuit through their chain of command to evaluate the pursuit in terms of department policy. The pursuit review shall minimally contain the following information:
 - (a) Date and time of pursuit.
 - (b) Length of pursuit.
 - (c) Involved units and officers.
 - (d) Initial reason for pursuit.
 - (e) Starting and termination points.
 - (f) Disposition: arrest, citation, etc.
 - (g) Arrestee information should be provided if applicable.
 - (h) Injuries and/or property damage.
 - (i) Medical treatment.
 - (j) Name of supervisor at scene.
 - (k) A preliminary determination, simply stating whether or not the pursuit appears to be in compliance with this policy.
 - (l) Determine the need for any additional review and/or follow up.
 - 3. Complete the Elude Pursuit Review Checklist.
 - 4. Order an audio tape of the pursuit.
 - 5. Obtain report(s) from any other involved law enforcement agencies.
 - 6. Forward the report(s) and checklist through the chain of command.
- (b) Patrol Lieutenant

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1. Review all pursuit reports and checklists.
 2. If there is a reasonable belief that the Vehicle Pursuits Policy was violated during the pursuit, prepare an additional written factual summary to support this belief.
 3. Forward all reports to the Patrol Division Captain.
- (c) Patrol Division Captain
1. Review all pursuit reports and determine if any additional review, investigation, or action pertaining to the pursuit is necessary.
 2. Forward the information to Professional Standards for investigation assignment if the Patrol Lieutenant provided a written factual summary to support a reasonable belief that the Vehicle Pursuits Policy was violated.

See attachment: [Policy 307 -Pursuit Review Flow Chart -02-15-23.pdf](#)

307.14 PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all sworn members of this department will participate no less than biennially in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

307.15 POLICY REVIEW

Each member of this department shall certify that they received, read and understand this policy initially and upon any amendments.

307.16 ANNUAL REVIEW

During the first calendar quarter of each year, the Patrol Division Captain will ensure that an annual review of all vehicle pursuit incidents for the previous calendar year is conducted. The analysis will focus on the effectiveness and trends in the use of vehicle pursuits that might suggest training or equipment needs, or policy modification. Specific detail including items such as officer names, case numbers, location of occurrence are not needed for this purpose and therefore will not be part of this process. The analysis will be forwarded electronically to the accreditation manager once completed.

Officer Response to Calls

308.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

308.2 RESPONSE TO CALLS

Officers shall proceed immediately to calls that are of an emergency nature. A code 3 response should be considered when available information reasonably indicates that a person is threatened with injury or death, a felony property crime is in progress, or serious property damage is imminent and a more immediate law enforcement response is needed to mitigate injury, property loss, or to apprehend the suspect(s).

Officers responding Code 3 shall operate emergency lights and siren as is reasonably necessary pursuant to ORS 820.300 and ORS 820.320. Officers shall only use the wail and yelp function of the siren as an emergency sound. The hi-lo function of the siren is not considered an emergency sound pursuant to OAR 735-110-0000(8) and OAR 735-110-0010(1-3).

Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons.

ORS 820.320(2) allows officers to omit the use of emergency lights and siren if it reasonably appears that the use of either or both would prevent or hamper the apprehension or detection of a violator. Except as stated in the previous sentence, officers who fail to use appropriate warning equipment are not exempt from following the rules of the road (ORS 820.300).

Officers responding to non-emergency calls shall observe all traffic laws and proceed without the use of emergency lights and siren.

308.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a community member. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify WCCCA.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

Officer Response to Calls

308.4 RESPONSIBILITIES OF RESPONDING OFFICER(S)

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections as may be necessary for safe operation.

The decision to continue a Code 3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. An officer shall also discontinue the Code 3 response when directed by a supervisor.

308.5 SUPERVISORY RESPONSIBILITIES

Upon becoming aware that a Code 3 response has been initiated, the supervisor shall verify the following:

- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practical.

The supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code 3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code 3 response that, in their judgment is inappropriate due to the circumstances.

When evaluating a Code 3 response, the supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

308.6 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code 3 response and respond accordingly. In all cases, the officer shall make notification via the radio of the equipment failure so that another unit may be assigned to the emergency response.

Canines

309.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

309.2 POLICY

It is the policy of the Beaverton Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

309.3 DEFINITIONS

Canine Team – One police officer assigned one canine.

Dual Purpose Canine Team – One police officer assigned one canine that is trained in both patrol and narcotic detection. Any dual certified team failing OPCA certification in either discipline will still be deployable in the discipline that is still valid.

Handler – A police officer assigned a canine owned by the department.

Narcotic Detection Canine – A canine trained to detect the presence of narcotic odor.

Patrol Canine – A canine trained to track human odor, locate items with human odor on it and/or make physical contact with a human in order to control them.

309.4 ASSIGNMENT

The canine teams shall be assigned to the Patrol Division to supplement and assist Patrol.

When a dog handler is dispatched as the primary investigating unit or comes onto a crime in view, he will then be responsible for completing all of the reports normally called for as though he were a regular patrol unit.

Canine teams should function primarily as cover units; however, they may be dispatched/assigned to calls based upon needs by the shift at the time. Canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary. Dog handlers will respond (when available) to all calls for service in which the abilities of the canine team may be useful. It is the responsibility of the dog handler to monitor radio traffic in order to maximize the opportunities for application of the dog.

309.5 REQUESTS FOR CANINE TEAMS

Personnel within the Department are encouraged to request the use of the canines. Requests for a canine team from outside of Patrol shall receive approval from the shift supervisor.

Canines

309.5.1 OUTSIDE AGENCY REQUEST

The shift supervisor must approve all requests for canine assistance from outside agencies, subject to the following provisions:

- (a) Canine teams should only be used for assignments that are consistent with this policy.
- (b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.
- (c) Canine teams shall not be called out while off-duty or used outside the boundaries of the City of Beaverton unless authorized by a supervisor.
- (d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the handler to complete all necessary reports or as directed.

309.5.2 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Unit Coordinator prior to making any commitment. Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the Unit Coordinator.

309.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing or threatening to commit any offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing or threatening to commit an offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

Canines

If the canine has apprehended the suspect with a secure bite, the handler should promptly command the canine to release the suspect once the suspect has stopped resisting and/or can be safely taken into custody.

309.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever they deem deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

309.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of their decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

Canines

309.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Bites and Injuries

- (a) Whenever the use of the canine results in a bite or causes any injury, the on-duty supervisor shall be notified. An Incident Report, Physical Control Report and/or the necessary Human Resources documents will be completed.
- (b) The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.
- (c) Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in a Human Resources Risk Officer All in One Report and the Incidental Contact Form.
- (d) Photographs shall be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and the alleged non-visible injury area shall be photographed. Photographs associated with use of force bites or injuries shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired. Non use of force bite or injury photographs will be included in the All in One Report.
- (e) If the local public health administrator has exempted this department from the requirement to hold the canine after a bite, the canine handler shall notify the local public health administrator immediately should the canine develop any abnormal behavior within 10 days of biting a person (OAR 333-019-0024).

Canine Deployments

- (a) When a canine is deployed in any type of search situation, it shall be documented on the CAD K9 Clearance Form (Drug or Track). In the event a handler becomes aware a "clearance" was not recorded for a "now closed" CAD call, the handler shall create a "follow-up" call for service. The "follow-up" call shall be related to the original deployment CAD and the K9 Clearance Form will be completed on the "follow-up" CAD.

309.6.4 DOG BITE PROCEDURE

- (a) Whenever a dog, while under command, grabs, bites, nibbles, pinches, or in any other way comes into physical contact by mouth with a suspect, it should have been a bona fide situation such as:
 - (a) The dog finds the suspect hiding before his handler sees the suspect, and the dog grabs and pulls the suspect from hiding.
 - (b) The suspect refuses to come out of hiding when told to do so and the dog must be sent in to locate and/or apprehend the suspect.

Canines

- (c) The suspect, before submission, is acting in a furtive or aggressive manner.
- (d) The suspect is running from the dog handler and/or dog.
- (e) To protect the dog and/or the dog handler.
- (f) Bite on command of the dog handler.

309.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal warnings the canine is being used and encourage the individual to make themselves known.
- (d) Once the individual has been located, the handler should secure the canine as soon as reasonably practicable.

309.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

309.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The sniff of vehicles, buildings, bags and other articles.
- (b) Assisting in the sniff for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.
- (d) A narcotics-detection trained canine will not be directed to sniff a person for narcotic odor.

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309.8 UNIT COORDINATOR RESPONSIBILITIES

The Unit Coordinator shall be appointed by the Patrol Division Captain and shall supervise the Canine Program. The Unit Coordinator is directly responsible to the Patrol Division Captain. The Unit Coordinator shall be responsible for, but not limited to, the following:

- (a) Review all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintain liaison with the vendor.
- (c) Maintain liaison with Command Staff and functional supervisors.
- (d) Maintain liaison with other agency canine coordinators.
- (e) Monitor records of documented canine activities.
- (f) Recommend and oversee the budget and the procurement of needed equipment and services for the unit.
- (g) Be responsible for scheduling all canine related activities.
- (h) Ensure the canine teams are scheduled for regular training to maximize their capabilities.

309.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under their control in a clean and serviceable condition.
- (c) Handlers shall permit the unit coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (d) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the unit coordinator as soon as possible.
- (e) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (f) The canine is permitted to socialize in the home with the handler's family.
- (g) Under no circumstances will the canine be lodged at another location unless approved by the unit coordinator or Patrol Lieutenant.

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- (h) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the unit coordinator or Patrol Lieutenant.
- (i) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the unit coordinator so that appropriate arrangements can be made.
- (j) Handlers should not tether a canine in a manner that would violate ORS 167.325(1), ORS 167.330(1), and/or ORS 167.343.

309.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

309.10 TRAINING

Before assignment in the field, each canine handler must have completed at least 360 hours of training in the care and use of the law enforcement animal, or must have passed the demonstration of minimum standards established by the Oregon Police Canine Association (OPCA) or other accredited and recognized animal handling organization (ORS 167.310). Cross-trained dog teams or those dog teams trained exclusively for the detection of narcotics shall be trained and certified to meet the standards established for such detection dogs.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Patrol Lieutenant.

309.10.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to current OPCA standards (as applicable) or other accredited and recognized animal handling organization on an annual basis. Additional training considerations are as follows:

- (a) Canine handlers are encouraged to engage in additional training with approval of the Unit Coordinator.
- (b) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the BPD.

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- (c) All canine training should be conducted while on-duty unless otherwise approved by the Unit Coordinator or Patrol Lieutenant.
- (d) Canine Teams should strive to get a minimum of 12 hours of documented training each month with 16 hours being ideal. This is an average that will be based on a 12 month period.

309.10.2 CERTIFICATION REQUIREMENTS

Patrol canine. After a patrol canine team is certified for the first time they will annually pass OPCA canine certification standards (as applicable) or other accredited or recognized animal handling organization standards. If a patrol canine team fails annual certification of OPCA standards they will still be deployable, having met ORS 167.310(7) minimum qualifications of 360 hours of training as a canine team. The canine team failing OPCA recertification will attempt certification at the next available time that an OPCA designated trainer is available to administer the test, but no longer than 14 calendar days from the first failed certification. If the canine team fails annual recertification for a second time, then the canine team will not deploy until they are able to successfully pass OPCA standards. After a second failed attempt at annual OPCA certification the canine team should be given additional training time in order to prepare for OPCA certification. The Unit Coordinator shall be notified of all failed certification attempts.

Narcotic detection canine. After a narcotic detection canine team is certified for the first time, they will annually pass OPCA canine certification standards (as applicable) or other accredited or recognized animal handling organization standards. If the narcotic detection canine team fails annual certification the team will not be deployable. The narcotic detection canine team failing OPCA annual certification will attempt certification at the next available time that an OPCA designated trainer is available to administer the test. After a second failed attempt at annual OPCA certification the canine team should be given additional training time in order to prepare for OPCA certification. The Unit Coordinator shall be notified of all failed certification attempts.

309.10.3 TRAINING RECORDS

All canine training records shall be completed by each handler. The records will be retained in the department records management system and submitted to the unit coordinator or supervisory designee.

309.10.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances for canine training purposes must comply with federal and state requirements regarding the same. Alternatively, the Beaverton Police Department may work with outside trainers with the applicable licenses or permits.

309.10.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21 USC § 823(f); ORS 475.135).

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The Chief of Police, or the authorized designee, may authorize a member to seek controlled substance evidence and/or related paraphernalia related to an adjudicated case and allow the controlled substances and/or related paraphernalia to be possessed by the member or a narcotics-detection canine handler/trainer who is working under the direction of this department for training purposes.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

309.10.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) On an annual basis all controlled substance training samples will be replaced.
- (e) All controlled substance training samples will be inspected and weighed frequently and on random occasions at the discretion of the unit coordinator. Inspections of training aids will be documented within the handler's maintenance and training log.
- (f) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (g) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (h) Any unusable controlled substance training samples shall be returned to Property and Evidence or to the dispensing agency. Returned training samples will be weighed.

309.11 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Patrol Lieutenant as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained the Department's designated veterinarian.

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310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement, complete investigations, and victim advocacy to ensure domestic violence is treated as a serious crime impacting families and our community. The policy specifically addresses mandatory arrest, documentation of the incident, the commitment of this department to take enforcement action when appropriate, to provide assistance to victims, and to guide officers in the investigation of domestic violence.

310.1.1 DEFINITIONS

Definitions related to this policy include:

Abuse - Occurrence of one or more of the following acts between family or household members:

- Attempting to cause or intentionally, knowingly or recklessly causing bodily injury
- Intentionally, knowingly, or recklessly placing another in fear of imminent bodily injury
- Causing another to engage in involuntary sexual relations by force or threat of force

Court order - Any court order, issued by a court of this state, another state, or Indian Tribe or Territory, whether civil or criminal, restricting or prohibiting a person's contact with another person or persons, and/or restricting where and when a person may be at a specific location(s). Such an order may also result in restricting possession of firearms and ammunition. This includes, but is not limited to, Family Abuse Prevention Act (FAPA) orders, Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA) orders, Sexual Abuse Protective Orders (SAPO), stalking orders, Emergency Protection Orders (EPO), jail release agreements, and no contact orders.

Domestic Violence - Abuse committed between family or household members.

Emergency Protective Order – A temporary (7-day) protection order completed by law enforcement with victim's consent and signed by a judge.

Family or Household Members - include:

- Spouses and former spouses.
- Adult persons related by blood, marriage, or adoption.
- Persons who are cohabiting or who have cohabited with each other.
- Persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a FAPA (Family Abuse Prevention Act) petition under Oregon Revised Statutes 107.710.
- Unmarried parents of a child.

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Foreign Court Orders - Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

Release Agreement - Persons arrested for domestic violence crimes are provided a court order at the time of their release instructing them not to have any contact with the victim prior to appearing before a court of law. Violation of this agreement requires a mandatory arrest.

310.2 POLICY

The Beaverton Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim, the victim's family, and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

310.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

310.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent or ongoing domestic violence, and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should identify all children who reside in the residence by their full name, date of birth, and school (if available). The information will be documented in their report. Children present during an incident should be interviewed by the officer. If the officer is not able to interview the child(ren) present, this should be a recommendation for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.

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- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex when the documentation requires the removal of clothing. Victims whose injuries are not visible at the time of the incident should be asked to contact the investigating officer or the assigned follow-up investigating officer in the event that the injuries later become visible.
- (f) Officers shall request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers shall make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any weapon from the residence/vehicle, if appropriate and legally permitted, for safekeeping or as evidence. (Refer to Section 310.10.)
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) When investigating a violation of a release agreement, officers should document the time of the original arrest and lodging at the county jail, as well as the time of the release and obtain a copy of the signed release agreement, when reasonably available.
- (k) Officers shall take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.

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310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.
- (d) Advise the victim of Emergency Protection Orders if appropriate. If the victim requests a protective order, the officer shall apply for and when granted, ensure timely service of the protection order on the suspect.
- (e) Help the victim with a safety plan.
- (f) Provide the victim with appropriate resource referrals (e.g., counselors, friends, relatives, shelter(s), victim advocates, DVRC).

310.4.2 IF NO ARREST IS MADE

If no crime requiring a mandatory arrest is determined, the officer should consider if there is probable cause for other crimes. If so, the officer should weigh the advantages of a cite in lieu of an arrest or a full custody arrest.

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 - 1. Voluntary separation of the parties.
 - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter(s), victim advocates, DVRC).
 - 3. Emergency Protection Orders if appropriate. If the victim requests a protective order, the officer shall apply for and when granted, ensure timely service of the protection order on the suspect.
- (b) Document the resolution in a report or in CAD call notes as appropriate.

310.4.3 FOLLOW-UP ON DOMESTIC VIOLENCE CASES

It is the responsibility of the primary officer to conduct their own follow-up on each case unless circumstances, such as normal days off, scheduled days off, or shift variations occur. In those instances where the primary officer is unable to complete "time critical" follow-up on their case, the officer will contact the on-duty sergeant who will assign an available officer to complete the follow-up.

If the district attorney's office needs additional follow-up information, they will contact the on-duty sergeant. If the primary officer is not available, the on-duty sergeant will assign an available officer to complete the follow-up.

Follow-up on domestic violence cases when an arrest is made at the time of the incident.

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- (a) All domestic related arrests shall be followed up within 24 hours of the initial incident.
- (b) Follow-up shall include:
 - 1. Photographs.
 - 2. Document any contact the suspect has attempted in the past 24 hours.
 - 3. If applicable, check on the welfare of any children.
 - 4. Cross check to ensure the BPD DV Supplemental Form was completed, the BPD Strangulation Investigation Form was completed, a signed medical release was obtained, and the victim has the appropriate Domestic Violence Resource information.

Follow-up on domestic violence cases when probable cause exists to arrest the suspect (suspect cannot be located at the time of the incident).

- (a) Every reasonable effort shall be made to locate the suspect in any domestic violence incident.
- (b) If the suspect is outstanding, the officer shall conduct follow-up with the victim within 24 hours. For the length of time the suspect remains outstanding past the 24 hours, the officer shall periodically follow up with the victim for any possible suspect updates.
- (c) The officer shall continue to attempt to contact the suspect until the suspect is arrested.
 - (a) The officer will place a signed PC Affidavit in the hold box in records.
 - (b) The officer shall place an information bulletin on the briefing board for the upcoming shifts.
 - (c) Use outside police agencies, if applicable, to track down the suspect at possible locations such as work, relatives homes etc.
- (d) If all investigative leads have been exhausted and the suspect cannot be found and the crime(s) is a felony:
 - (a) The officer shall check with the specific district attorney that is handling the case to inquire about grand jury proceedings.
- (e) If all investigative leads have been exhausted and the suspect cannot be found and the crime(s) is a misdemeanor:
 - (a) The officer shall prepare an affidavit for arrest for the suspect and present that affidavit to the district attorney's office for the issuance of a misdemeanor warrant for the outstanding suspect.

310.5 VICTIM ASSISTANCE / CIVIL STANDBY

Officers need to be aware that victims are often experiencing the effects of trauma. Officers should:

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- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Call a victim advocate and then stand by for the advocate. If no victim advocate is called, alert the victim to any available victim advocates, shelters and community resources. Advise them of departmental victim services.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if they have sustained injury or complains of pain.
- (f) Ask the victim whether they have a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for their safety or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Assist the victim in obtaining an emergency protective order (EPO) if appropriate.

An officer who has probable cause to believe there are circumstances for a mandatory arrest or that a victim is in immediate danger of abuse may apply for an emergency protective order (EPO) with the consent or permission of the victim (ORS 133.035).

310.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

310.7 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about their notice or receipt of the order, their knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

310.7.1 SERVICE OF COURT ORDERS

Officers should, if requested and practicable, serve any unserved restraining order when called to the scene of a disturbance. Any officer serving such a restraining order shall ensure that a copy of proof of service is returned to the appropriate Sheriff's Office records division for entry into the Law Enforcement Data System (LEDS) and the National Crime Information Center (NCIC) system (ORS 107.720).

310.7.2 SERVICE OF EMERGENCY PROTECTIVE ORDERS (EPOS)

An officer who obtains an emergency protective order (EPO) for a victim shall provide the victim with a certified copy and ensure that a certified copy of the order and the supporting declaration for the order is filed with the court (ORS 133.035).

The officer who obtained the emergency protective order (EPO) shall serve the respondent personally. Upon completion of the service, the officer shall file a proof of service with the court and ensure that the order is entered into LEDS. The officer will also send a copy to BPD Records for file maintenance where it can be easily retrieved. If service cannot be completed within one day of the order's entry, the officer shall notify the court (ORS 133.035).

The emergency protection order (EPO) shall remain in effect until it expires or is terminated by court order. If an officer receives a termination order from the court, the officer shall ensure that the order is promptly removed from LEDS (ORS 133.035). If the officer who applied for the emergency protective order (EPO) is not on duty, a sergeant will immediately give the court order to the BPD Records so the emergency protective order can be removed from LEDS.

The emergency protective order (EPO) is valid only in the State of Oregon and is designed to provide protection for a domestic violence victim between the domestic violence incident and a reasonable amount of time to request a formal restraining order. An emergency protective order expires (and cannot be renewed) within seven days of issuance. A violation of an emergency protective order shall be treated the same as any other violation of ORS 133.310(3)(a).

310.8 STANDARDS FOR ARREST

- (a) Officers who respond to an incident of domestic disturbance and have probable cause to believe an assault has occurred between family or household members as defined in ORS 107.705, or who believe that one such person has created in the other a fear of imminent serious physical injury, shall arrest and take into custody the alleged assailant or potential assailant (ORS 133.055).
- (b) Dual arrests are not required (ORS 133.055), nor recommended. Dual arrests are difficult to prosecute and often result in neither party being charged. Officers shall

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make reasonable efforts to identify and arrest the primary assailant in any incident. In identifying the primary assailant, an officer shall consider:

1. The comparative extent of the injuries inflicted or the seriousness of threats creating a fear of physical injury.
 2. If reasonably ascertainable, the history of domestic violence between the persons involved.
 3. Whether any alleged crime was committed in self-defense.
 4. The potential for future assaults.
- (c) Once a suspect has been arrested under the provisions of ORS 133.055, the suspect shall be taken to jail. Officers have no authority to release the arrested person. Should the suspect have a medical condition that requires immediate attention, the officer will contact the shift sergeant and advise them of the circumstances and nature of the incident.

If feasible, the sergeant will coordinate an officer to standby at the hospital while the suspect is being treated. If this is not practicable, the supervisor will coordinate notification with the hospital staff when the suspect is released to have an officer transport to jail. The last option is to cite and release the suspect. This option will only be authorized by the sergeant having considered the above choices and making a determination of low threat to the victim considering:

- (a)
1. The suspect's criminal history, history of domestic violence by the suspect in general and with the victim specifically.
 2. The suspect's access to weapons.
 3. The suspect's physical ability to carry out an act of violence.

In the event the suspect is released under the sergeant's authority, the sergeant will ensure:

- (a)
1. A release agreement is issued along with the citation.
 2. The victim is notified of the suspect's status and if necessary, find a place the victim will be able to safely stay at until the arraignment date.
 3. The Shift Patrol Lieutenant or On Call Lieutenant is advised.

d. Officers shall arrest and take a suspect into custody when the officer has probable cause to believe that a protective order or emergency protection order (EPO) has been issued, a copy of the order and proof of service on the suspect have been filed, and the suspect has violated the terms of the order (ORS 133.310).

310.9 REPORTS AND NOTIFICATIONS

All criminal incidents of domestic violence or alleged violations of protective orders shall be documented in a written report under the appropriate crime classification, the heading of which indicates the incident pertains to ORS 107.700 to 107.735, the Abuse Prevention Act

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(APA). Incidents shall be properly coded as a Domestic Violence Incident in PSNet. All criminal incident reports for domestic violence shall be accompanied by the BPD Domestic Violence Supplemental Report and BPD Strangulation Investigation Form (if applicable).

Officers shall document in their report that they provided each domestic violence victim with a copy of the department's domestic violence victim information handout (Oregon Revised Statutes 133.055).

Reporting officers should also provide the victim with the case or incident number of the report. The case or incident number may be placed in the space provided on the domestic violence victim information handout. If the case or incident number is not immediately available, an explanation should be given about how the victim can obtain the information at a later time.

Reported domestic violence incidents where no crime has been determined to have occurred can be documented by written report but at a minimum shall be documented by CAD call notes. Officers shall ensure all pertinent details of the incident are recorded for future reference.

[See attachment: BPD DV Supplemental Report Form- Page 1\(1\).jpg](#)

[See attachment: BPD DV Supplemental Report Form - Page 2.jpg](#)

[See attachment: Strangulation Investigation Form.pdf](#)

310.9.1 RECORDS STANDARDS - EMERGENCY PROTECTIVE ORDERS

The Records Manager shall ensure that a system is in place that provides officers at the scene of an alleged violation of an emergency protective order of the terms and existence of the protective order (ORS 133.035).

310.10 FIREARMS

Pursuant to the Federal Domestic Violence Gun Control Act (18 USC §§921(a) and 922(d), (g)(8) and (9)), any person who has been convicted of a qualifying misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition. Additionally, any person convicted of a felony is prohibited from possessing a firearm (ORS 166.250 and 166.270). A qualifying misdemeanor crime has to include as an element of the offense, the use or attempted use of physical force or the threatened use of a deadly weapon ORS 107.718 and 166.250). Protective orders that can qualify are FAPA, EPPDAPA, Stalking Order, and Release Agreement/Criminal No-Contact Orders. A protective order qualifies if:

- (a) It was issued or continued after a hearing for which the person had actual notice and during the course of which the person had an opportunity to be heard;
- (b) Restrains the person from stalking, intimidating, molesting or menacing an intimate partner, a child of an intimate partner or a child of the person; and
- (c) Includes a finding that the person represents a credible threat of physical safety of an intimate partner, a child of an intimate partner or a child of that person.

Officers may take temporary custody, for safekeeping, of any weapons upon the request of someone in lawful possession of them.

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In the event a person has been taken into custody and is found to own, have in their possession or under their control, any firearms or other deadly weapons, the weapons should be taken into temporary custody for safekeeping by the handling officer if the officer reasonably believes the weapons represent a danger to the person or others if the person is released. Any weapons seized will be transported to the property room and stored.

Whenever the handling officer or the assigned detective has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the officer shall detail those facts and circumstances in a report and direct Property and Evidence to hold the weapons pending judicial review.

The handling officer shall further advise the person of the procedure outlined in Policy Manual § 310.10.1 for the return of any firearm or other deadly weapon which has been confiscated.

310.10.1 RETURN OF FIREARMS

Weapons taken into custody for safekeeping under §310.10 will be returned to the lawful owner upon request unless the seizing officer or the assigned detective has placed a hold on the weapons.

Prior to releasing any weapon, Property personnel shall be required to ensure the person is legally eligible to possess the weapon.

Search and Seizure

311.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Beaverton Police Department personnel to consider when dealing with search and seizure issues.

311.2 POLICY

It is the policy of the Beaverton Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

311.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and their familiarity with clearly established rights as determined by case law.

Search and Seizure

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

311.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation; the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

311.5 DOCUMENTATION

Officers are responsible to document any search. If as a result of the search or the circumstances dictate, officers are responsible to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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Search and Seizure

Vulnerable Adult Abuse

312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Beaverton Police Department members as required by law.

312.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

312.2 POLICY

The Beaverton Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

312.3 MANDATORY NOTIFICATION

Members of the Beaverton Police Department shall notify the Department of Human Services (DHS) when a member has reasonable cause to believe that any of the following persons have suffered abuse:

- (a) An elderly adult, age 65 years or older (ORS 124.060)
- (b) An adult with mental illness or developmental disabilities (ORS 430.765)
- (c) A resident of a long-term care facility (ORS 441.640)
- (d) An adult (18 years or older) who is receiving services for a substance use disorder or a mental illness in a state hospital or facility (as defined by ORS 430.735) (ORS 430.765).

Members shall also notify DHS when the member comes in contact with a person who they reasonably believe is abusing any of the above individuals.

For purposes of notification, abuse includes physical injury, neglect, abandonment, verbal abuse, financial exploitation, sexual abuse, sexual offenses, involuntary seclusion, and wrongful use of physical or chemical restraints as provided in ORS 124.050, ORS 430.735, and ORS 441.630.

An adult with mental illness or developmental disabilities means an adult, 18 years or older, with (ORS 430.735):

- (a) A developmental disability who is currently receiving services from a community mental health or developmental disabilities program or facility, as defined by ORS 430.735, or who was previously determined eligible for services as an adult.
- (b) A severe and persistent mental illness who is receiving mental health treatment from any such community program or facility.

Vulnerable Adult Abuse

312.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (ORS 124.065; ORS 430.743; ORS 441.645):

- (a) All notifications to DHS shall be made as soon as practicable by telephone.
- (b) Information provided to DHS shall include, if known:
 - 1. Name, age and address of the person abused
 - 2. Present location of the adult
 - 3. Name and address of the person responsible for the adult
 - 4. Identity of the perpetrator
 - 5. Nature and extent of the abuse and any evidence of previous abuse
 - 6. Any explanation given for the abuse
 - 7. Date of the incident
 - 8. Any other information that may be helpful in establishing the cause of the abuse
- (c) In cases where DHS has notified the Department of a possible crime relating to elder or dependent adult abuse, confirmation of receipt of notification shall be made to DHS.
- (d) DHS shall also be notified whether (ORS 124.070(3); ORS 430.745(7)):
 - 1. There will be no criminal investigation and the explanation of why there will be no such investigation.
 - 2. The investigative findings have been forwarded to the District Attorney for review.
 - 3. A criminal investigation will take place.
- (e) In investigations that substantiate elderly abuse or abuse of a resident in a long-term care facility, DHS shall be notified in writing (ORS 124.070(2); ORS 441.650(2)).
- (f) Upon completion of investigations for dependent adult abuse, DHS shall be provided a written report of the findings and supporting evidence (ORS 430.745(4)).

312.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

Vulnerable Adult Abuse

- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (ORS 430.739).

312.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. The Department must begin investigations of abuse in a long-term care facility (ORS 441.650):

- Within two hours where a resident's health or safety is in imminent danger or the resident recently died, was hospitalized or was treated in an emergency room.
- Prior to the end of the next working day if circumstances exist that could result in abuse and place the resident's health or safety in imminent danger.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom they made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All investigations into suspected cases of adult abuse shall include a personal visit to the elderly person suspected of being abused (ORS 124.070).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

312.6 PROTECTIVE ORDERS

Elderly Persons and Persons with Disabilities Abuse Prevention Act restraining orders are available through the Domestic Violence Resource Center (DVRC).

Vulnerable Adult Abuse

The protective orders are intended to provide abuse protection for people who are 65 years or older, or people who are vulnerable due to a physical or mental disability. This restraining order addresses physical, verbal, financial, sexual abuse, and neglect. (ORS 124.005 - 124.040)

312.7 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for themselves, the officer should make reasonable attempts to contact DHS. Generally, removal of an adult abuse victim from their family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from their family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to DHS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

312.7.1 DHS ASSISTANCE

An officer shall cooperate with DHS when assistance is requested by written notice to gain access to an abused person and the officer believes that there is reasonable cause that a crime has been committed and an emergency exists that requires access to the person to ensure their safety (ORS 124.065; ORS 430.743; OAR 411-020-0085).

312.8 INTERVIEWS

312.8.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

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312.8.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without their consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

312.9 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

312.10 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

312.10.1 SUPERVISOR RESPONSIBILITIES

The Investigations Division supervisor should:

- (a) Work with professionals from the appropriate agencies, including DHS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigations Division supervisor that they have responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

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- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

312.10.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigations Division supervisor so an interagency response can begin.

312.11 STATE MANDATES AND OTHER RELEVANT LAWS

Oregon requires or permits the following:

312.11.1 POLICE RECORDS RESPONSIBILITIES

Police Records is responsible for:

- (a) Providing a copy of the adult abuse report to DHS as required by law.
- (b) Retaining the original adult abuse report with the initial case file.

312.11.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (ORS 124.090; ORS 430.763; ORS 441.671).

312.12 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

Discrimination, Harassment, and Retaliation

313.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination, harassment, or retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

313.2 POLICY

The Beaverton Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of discrimination, harassment, and retaliation. All members of the Department are expected to adhere to and enforce department and city policies. The Department will take preventive, corrective, and disciplinary action to address any behavior that violates these policies or the rights they are designed to protect.

The City's harassment and retaliation policies fully apply to each member. The policies are located in the City of Beaverton Employee Handbook. All employees are responsible for complying with both policies. The non-discrimination policies of the city and department may be more comprehensive than state or federal law. Conduct that violates city and department policy may not violate state or federal law but still could subject a member to discipline.

[City of Beaverton Employee Handbook](#)

Child Abuse

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Beaverton Police Department members are required to notify the Department of Human Services (DHS) of suspected child abuse.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency (ORS 419B.010).

314.2 POLICY

The Beaverton Police Department will investigate all reported incidents of alleged criminal child abuse and ensure that DHS is notified as required by law.

314.3 MANDATORY NOTIFICATION

Members of the Beaverton Police Department shall notify DHS when a report of child abuse is received or when there is reasonable cause to believe that a child has suffered abuse (ORS 419B.010).

For purposes of notification, a child is an unmarried person under 18 years of age (ORS 419B.005(2)).

For purposes of notification, abuse of a child includes but is not limited to assault or physical injury of a non-accidental nature; rape, sexual abuse, or sexual exploitation, including contributing to the sexual delinquency of a minor; threatened harm; negligent treatment or maltreatment; buying or selling a child; unlawful exposure to a controlled substance or to the unlawful manufacturing of a cannabinoid extract; permitting a child to enter or remain in or upon premises where methamphetamines are manufactured; or any other act described in ORS 419B.005(1)(a).

314.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (OAR 413-015-0305):

- (a) Verbal notification to DHS shall be made immediately to the Oregon Child Abuse Hotline when the officer determines that the report of alleged abuse or neglect requires an immediate joint response. The hotline number is 1-855-503-7233.
- (b) Verbal, electronic transmission, or hand-delivered notification to DHS of all other reports of child abuse or neglect shall be made by the end of the next business day.
- (c) Notification, when possible, should include:

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1. The name and contact information of the confidential reporter.
2. The name, address, and age of the child.
3. The name and address of the child's parents or other person who is responsible for care of the child.
4. The nature and extent of the abuse or neglect, including any evidence of previous abuse or neglect.
5. The explanation given for the abuse or neglect.
6. Where the abuse or neglect occurred.
7. Identity and whereabouts of the alleged perpetrator.
8. Any other information that the person making the report believes might be helpful in establishing the cause of the abuse or neglect and the identity and whereabouts of the perpetrator.
9. The name and contact information for the assigned DHS worker and officer.

When the abuse occurs at a facility or by a person from a facility that requires a state license from the Oregon Employment Department, Child Care Division (e.g., child care facility), notification shall also be made to that agency. If the alleged child abuse occurred in a school or was related to a school-sponsored activity, notification shall be made to the Department of Education (ORS 419B.020).

314.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present cases of alleged child abuse to the prosecutor for review when warranted.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to victim services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (ORS 418.747).

314.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

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- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The circumstances that existed when officers interviewed the child victim.
- (c) Any relevant statements the child may have made and to whom they made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision.
- (e) Documentation of any visible injuries or any injuries identified by the child. Officers shall immediately photograph or cause to have photographed the suspicious physical injuries.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect if applicable.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

314.5.1 KARLY'S LAW

In all cases of suspicious physical injury to a child, the investigating officer shall, in accordance with any relevant county multidisciplinary team protocols (ORS 419B.023):

- (a) Immediately photograph or cause to be photographed any visible injuries or any injuries identified by the child if practicable, and in the manner described in ORS 419B.028.
- (b) Ensure that photographs of the injuries are distributed to the designated medical professional and placed in any relevant files by the end of the next regular business day or within 48 hours, whichever occurs later (ORS 419B.028(2)).
- (c) Ensure that a designated medical professional conducts a medical assessment of the child within 48 hours or sooner, according to the child's medical needs. If a designated medical professional is unavailable for the assessment, the investigating officer must ensure that the child is evaluated by an available physician.

314.5.2 INVESTIGATIONS ON SCHOOL PREMISES

When an investigation of child abuse is conducted on school premises, the investigating officer shall first notify the school administrator of the investigation, unless the school administrator

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is a subject of the investigation. The investigator shall present identification to school staff members. The investigator is not required to reveal information about the investigation to the school as a condition of conducting the investigation. At the investigator's discretion, the school administrator or a school staff member designated by the school administrator may be present to facilitate the investigation. Prior to any interview with the affected child, the investigating officer shall be advised of the child's disabling conditions, if any. These provisions apply to an investigation that involves an interview with the suspected victim of abuse or witnesses and not to investigations or interviews of a person suspected of having committed the abuse (ORS 419B.045).

314.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DHS. Generally, removal of a child from their family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from their parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should consult with DHS regarding placement options including delivery of the child to another qualified parent or legal guardian. If it reasonably appears that the release would endanger the child or result in abduction, the officer shall ensure that the child is delivered to DHS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody. The detective division supervisor shall be notified immediately any time a child is taken into protective custody for sex abuse related investigations or physical abuse investigations involving serious physical injury.

Children may only be removed from a parent or guardian in the following situations (ORS 419B.150):

- (a) When there is reasonable cause to believe any of the following:
 - 1. An imminent threat of severe harm to the child exists
 - 2. The child poses an imminent threat of severe harm to self or others
 - 3. An imminent threat that the child may be removed from the jurisdiction of the juvenile court exists
- (b) When the juvenile court has issued a valid order that the child is to be taken into protective custody.
- (c) When it reasonably appears that the child has run away from home.

314.6.1 NOTICE TO PARENTS

When an officer takes a child into protective custody, if possible, the officer shall:

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- (a) Make reasonable efforts to immediately notify the child's parents or guardian, regardless of the time of day. Unless the child's parents or guardians are the subjects of an investigation involving the child, then the notification should be made after the parents or guardians have been interviewed.
- (b) Advise the reason the child has been taken into custody.
- (c) Provide general information about the child's placement and the telephone number of the local DHS office, including any after-hours telephone numbers (ORS 419B.020).

314.6.2 SAFE HAVEN PROVISION

A parent may leave an infant who is not more than 30 days old at an authorized facility, including this department, as long as the child has no evidence of abuse (ORS 418.017).

When an infant is surrendered to this department, members of the Beaverton Police Department shall follow the provisions set forth in ORS 418.017.

314.6.3 ACCEPTING AN INFANT

Either parent may surrender the infant. The parent is not required to provide any identifying information about the infant or the parent. (This does not preclude department members from asking questions concerning identity.)

- (a) If a parent seeks to surrender their infant to a department member, the department member shall:
 - 1. Estimate if the infant is 30 days of age or younger. Requesting an opinion from a doctor or EMT is appropriate if the department member is uncertain if the infant is 30 days of age or younger.
 - 2. Check the infant for any visible signs of abuse.
 - 3. Call the Washington County Department of Human Services Child Welfare Office if the baby shows signs of abuse, or appears older than a 30-day-old infant.
 - 4. If the baby reasonably appears to be 30 days of age or younger, and does not show signs of abuse, the department member shall receive the infant and proceed with the following steps:
 - (a) Retrieve "A Safe Place for Newborns" packet from Police Records.
 - (b) Give the parent the "Letter for Parents" and the "Department of Human Services Child Welfare Offices telephone list".
 - (c) Request the parent to complete a voluntary health questionnaire about the infant. If the parent chooses, they may take the form with them and complete it later.

314.6.4 RESPONSIBILITIES

From the moment the infant is left by the parent at the Beaverton Police Department, the infant is deemed abandoned for purposes of ORS 419B.100, and the department is deemed to have

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protective custody of the infant under ORS 419B.150. The department can only release the infant to the Department of Human Services at this point, regardless of whether one or both parents request the return of the child into their care. In having protective custody, the department member having received the infant shall, within 24 hours, do the following:

- (a) Notify the Department of Human Services, by calling the Washington County Department of Human Services Child Welfare Office that an infant has been left at the Beaverton Police Department under subsection 1 of ORS 418.017. This should be done as soon as practicable after receiving the infant.
- (b) Record the receipt of the infant on the "A Safe Place for Newborns Report Form", which is included within the "A Safe Place for Newborns" packets kept in Police Records. A case number is to be taken out under protective custody - newborn.
- (c) Call for an EMT to do a medical examination to ensure the infant needs no immediate medical attention.
- (d) Release the infant to the Department of Human Services when release is appropriate considering the infant's medical condition.
- (e) Provide the Department of Human Services with all information the Beaverton Police Department has regarding the infant, including the "A Safe Place for Newborns Report Form." Before releasing the information, the department member is to make a copy of the report form, which is to be placed in the case file along with the police report face sheet.

314.6.5 SUBSEQUENT INQUIRIES REGARDING A SURRENDERED INFANT

If a department member receives an inquiry from a parent who previously surrendered their infant into the care of the department, the department member shall refer the parent to the Washington County Department of Human Services Child Welfare Office.

314.7 INTERVIEWS

314.7.1 PRELIMINARY INTERVIEWS

Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

314.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not involuntarily detain a child who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:

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1. A reasonable belief that medical issues of the child need to be addressed immediately.
 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

314.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

314.8.1 COURT ORDERS FOR PRESERVATION OF EVIDENCE

When an officer is taking a child into protective custody and has reasonable cause to believe that the child has been affected by sexual abuse and rape, and that physical evidence of the abuse exists and is likely to disappear, the court may authorize a physical examination for the purpose of preserving evidence, if such examination is in the best interest of the child (ORS 419B.020).

314.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics. [See attachment: Policy 314 Child Chemical Exposure Checklist.pdf](#)

314.9.1 SUPERVISOR RESPONSIBILITIES

The Supervisor should:

- (a) Work with professionals from the appropriate agencies, including DHS, other law enforcement agencies, medical service providers and local prosecutors to investigate incidents concerning drug endangered children.
- (b) Activate any available interagency response when an officer notifies the Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

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314.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose. (Refer to attachment.)
- (b) Notify the Supervisor so an interagency response can begin.

314.10 STATE MANDATES AND OTHER RELEVANT LAWS

Oregon requires or permits the following:

314.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (ORS 419B.035).

Information may be shared to the appropriate military authorities regarding a child who is the subject of a report of child abuse when the parent or guardian of the child is in the military (ORS 419B.015).

314.10.2 COUNTY MULTIDISCIPLINARY CHILD ABUSE TEAM AND PROTOCOL

The Investigations Division supervisor should ensure that current written protocols and procedures for child abuse investigations developed by the multidisciplinary child abuse team are available to all department members (ORS 418.747).

314.10.3 CHILD FATALITY REVIEW TEAMS

This department should cooperate with any child fatality review team and investigation (ORS 418.785).

314.10.4 DISPOSITION OF INVESTIGATION

Each investigation of child abuse shall be concluded with one of the following dispositions (ORS 419B.026):

- Founded
- Unfounded
- Undetermined

314.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.

Child Abuse

- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.
- (g) Recognizing abuse that requires mandatory notification to another agency.

Missing Persons

315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

315.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who:

- (a) Are 12 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
 - 1. Mentally or behaviorally disabled.
 - 2. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
 - 3. In a life-threatening situation.
 - 4. In the company of others who could endanger their welfare.
 - 5. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
 - 6. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
 - 7. Intellectual or developmental disability, or an impaired mental condition such as dementia or brain injury (ORS 181A.320).
 - 8. A victim of first- or second-degree custodial interference or kidnapping (ORS 181A.310).

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Oregon Law Enforcement Data System (LEDS) and the Oregon State Police Missing Children Clearinghouse.

315.1.2 TYPES OF MISSING PERSONS

Missing persons generally fit into one of three areas:

- (a) Runaway juveniles;
- (b) Individuals who are missing and possibly endangered due to diminished mental capacity. This may be a result of either age or illness.
- (c) Persons missing under suspicious circumstances include:

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1. Victims of crime.
2. Individuals who have chosen not to have contact with the complainant.

315.2 POLICY

The department will investigate all reports of missing or runaway persons.

315.3 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

If the officer finds that the missing person incident originated outside the City limits of Beaverton, the officer shall immediately assist the person in having the call for service referred to the appropriate law enforcement agency.

315.4 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) An officer being dispatched to a report of a missing person shall promptly contact the complainant.
- (b) The officer shall quickly determine which of the three areas the missing person fits (defined in Types of Missing Persons subsection above).
- (c) The officer shall notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy), or if there is something suspicious/concerning about the report that warrants supervisor notification.
- (d) If the person is a missing juvenile 12 years of age or younger, or considered "endangered", a patrol lieutenant will be notified. (Refer to the Public Alerts Policy.)
- (e) Develop an appropriate response plan, including consideration of additional notifications, such as the public information officer, Criminal Investigation Division, and Senior Command staff, and search resources and parameters.
- (f) Ensure entries are made into the appropriate missing person networks, as follows:
 1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (g) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts
- (h) Collect information about the missing person, including:

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Missing Persons

1. Information listed in Section 314.5.2 Endangered Missing Persons.
 2. A fingerprint card of the missing person if available.
 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (i) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.

315.4.1 RUNAWAY JUVENILES

- (a) If the report is that of a runaway juvenile, the responding officer will ask that a case number be assigned for a runaway juvenile report.
1. A parent or guardian will be asked to sign the incident report if the parent or guardian wants the child picked up and held if a police agency comes in contact with the runaway. This shall be documented in the report.
 - (a) The officer should stress with the parent or guardian that they need to notify the Police Department if the runaway juvenile returns.
 2. The officer will not require that the report be signed before entering information into LEDS/NCIC if a runaway juvenile report is filed by any of the following agencies:
 - (a) Juvenile Department;
 - (b) Department of Human Services; or
 - (c) Shelter Care Facilities
- (b) Information on this runaway juvenile will then be entered into LEDS/NCIC immediately after the person is reported as missing.
- (c) All runaway reports entered into LEDS/NCIC shall include a message providing the recipient with information as to what action is to be taken (i.e., pickup and hold, contact agency, contact parent).
- (d) Once the person is located, the information should immediately be removed from LEDS/NCIC.

315.4.2 ENDANGERED MISSING PERSONS

If the officer determines that the missing person is endangered due to age, diminished capacity, or any other reason, or the officer determines there are suspicious circumstances relating to the missing person, the officer shall make every attempt to gather the information listed below. Officer(s) shall consider whether or not the circumstances meet the criteria for an Amber Alert (See Public Alerts Policy.):

Missing Persons

- Full name and date of the birth of the missing person
- A physical description of the missing person
- Driver's license number, permit number or other identification of the person
- Social Security number of the person
- Recent photograph of the person
- Description of the clothing the missing person is wearing
- Telephone numbers, e-mail addresses or any other form of electronic messaging information the person may have i.e., Facebook, Internet, access to computer
- A description of any vehicle the missing person has or may have been riding in
- Any history of the missing person doing this before
- Access to weapons
- When they were last seen
- Where they were last seen
- Who saw them last
- Mental state of the missing person
- Medical requirements of the missing person

In addition to the information above, the responding officer may request additional information, including but not limited to:

- Description of items the missing person may have taken with them
- Name and address of school(s) the person attends
- Name and address of the person's employer
- Name and address of the missing person's primary care physician and dentist
- Ability to travel - are they mobile/can they ride the bus or drive
- Who will remain at the residence to be contacted
- State of person's current relationships
- Status of person's current employment and co-workers
- Friends in and out of the area - have they been contacted
- Relatives in and out of the area - have they been contacted
- Money available to the missing person
- Credit card available to the missing person
- Recent non-typical behavior of the missing person

Missing Persons

- Personal items missing

After obtaining the information, the officer shall brief their supervisor on the status of the call. If at all possible, this briefing will be done before the officer leaves the call location. The officer will ensure with Police Records personnel that a LEDS entry is made as soon as possible. The supervisor will contact the CID supervisor if warranted and/or if the case is prolonged.

315.4.3 MISSING PERSONS CONSIDERATIONS

When engaged in an investigation regarding a missing person, it is important to keep in mind the following:

- (a) Some people may tend to over-react to a tardy arrival or an unexplained absence.
- (b) It should be remembered that missing persons are not fugitives and often have voluntarily left home for personal reasons. The person making a report of a missing person may be reluctant to inform the police of any marital, parental, or mental problems.
- (c) Reports of lost children and elderly persons are a particularly difficult police problem as there is always a danger that they may have been injured, molested, or abducted. Despite the fact that most lost children or elderly persons generally turn up safe, any hesitancy on the part of the police to initiate an immediate and thorough search could jeopardize the safe return of a victim as well as subject the department to severe criticism.

315.5 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

315.5.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 - (a) The reports should be promptly sent to Police Records.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

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315.5.2 POLICE RECORDS RESPONSIBILITIES

The responsibilities of Police Records receiving member shall include, but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Investigations Division.
- (e) Coordinating with the NCIC Terminal Contractor for Oregon to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

315.6 INVESTIGATION FOLLOW-UP

315.6.1 PATROL RESPONSIBILITIES

The investigating officer shall cause a follow up contact to occur after the first 24 hours, and then after the next seven days (if needed) with the reporting party to determine if the person of interest has been located, is still missing without reason, or is a victim of crime. Each contact with the reporting party will be documented on a report.

After eight days (Patrol's second contact), the case will be referred to the Criminal Investigations Division (CID). The case may be referred to CID at any time if circumstances warrant it.

315.6.2 CRIMINAL INVESTIGATIONS DIVISION RESPONSIBILITIES

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph.
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the juvenile's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) Shall, if the person has not been located within 30 days, ensure that a biological sample, if available, is forwarded to the Oregon State Police (ORS 146.187).
- (d) Should consider contacting other agencies involved in the case to determine if any additional information is available.

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- (e) Shall verify and update the Oregon LEDS, the Oregon State Police Missing Children Clearinghouse, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (g) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (h) Should make appropriate inquiry with the Medical Examiner.
- (i) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.
- (j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to Oregon State Police and enter the photograph into applicable missing person networks (34 USC § 41308).
- (k) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (l) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

315.7 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the investigating officer/assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager shall ensure that, upon receipt of information that a missing person has been located, the following applicable notification(s) will occur:

- (a) Notification is made to LEDS.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at-risk, the fact that the person has been found should be reported within 24 hours to LEDS.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.
- (f) All information and materials obtained for the purpose of identifying the missing person are destroyed if the person is found, or sealed if the person is found to be no longer living (ORS 146.189(2)).

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315.7.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

315.8 CASE CLOSURE

The Investigations Division Supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Beaverton or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

315.9 TRAINING

Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as body-worn camera video
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

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- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

The Training Sergeant shall also ensure department members receive training a minimum of every two years on missing vulnerable adults, including interacting appropriately and effectively with individuals with cognitive impairment, including dementia, intellectual and developmental disabilities, and brain injuries (ORS 181A.320).

Public Alerts

316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

316.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

316.3 RESPONSIBILITIES

316.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Beaverton Police Department should notify their supervisor, Patrol Lieutenant or Investigations Division Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

316.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify their respective lieutenant and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Cancelling alerts
- (c) Ensuring all appropriate reports are completed

316.4 AMBER ALERTS

The Oregon AMBER Alert is a voluntary partnership between law enforcement agencies and local broadcasters to rapidly disseminate an emergency alert to the public when a child is abducted under emergency circumstances and the child may be in danger of serious bodily harm or death.

[See attachment: Policy 316 Amber Alert Activation Form.pdf](#)

[See attachment: Policy 316 Amber Alert Message.pdf](#)

316.4.1 CRITERIA

All of the following criteria must exist before an AMBER Alert will be issued:

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- (a) There is confirmation that a child abduction has occurred.
- (b) The child is under 18 years of age.
- (c) The child may be in danger of serious bodily harm or death.
- (d) There is sufficient descriptive information about the child, abductor and/or the suspect's vehicle to believe that an immediate broadcast alert will help.
- (e) The child's name and other critical data elements, including the child abduction (CA) and AMBER Alert (AA) flags, either have been or will be entered into the National Crime Information Center (NCIC) system.

An AMBER Alert should not be used if the child is a runaway or has been abducted as a result of a child custody situation, unless the child may be in danger of serious bodily harm or death.

316.4.2 PROCEDURE

The AMBER Alert Web Portal is used to post the appropriate alert information.

Prior to posting the AMBER Alert message, consideration should be given to ensuring adequate staffing for the tip line, 9-1-1 lines and any media line. AMBER Alerts generate significant public and media interest. It is likely that a high volume of calls from the public and media will be received. Reassigning personnel from other units or requesting mutual aid from other agencies should be considered.

- (a) The Public Information Officer, Patrol Lieutenant or Supervisor should consider whether to prepare a press release that includes all available information that might aid in locating the child, such as:
 - 1. The child's identity, age, physical and clothing description, including any distinguishing characteristics.
 - 2. Photograph if available.
 - 3. The location where the abduction occurred or where the child was last seen.
 - 4. The suspect's identity, age, physical and clothing description if known.
 - 5. Pertinent vehicle license number and description if known.
 - 6. Detail regarding direction of travel and potential destinations if known.
 - 7. Contact information for the Public Information Officer or other authorized individual to handle media liaison.
 - 8. A telephone number for the public to call with leads or information.
- (b) Information on the abducted child, suspect vehicle and suspect should be entered into the Law Enforcement Data System (LEDS) and NCIC as soon as feasible. The suspect's name, if known, should be entered in the "AKA" moniker field. The child's name and other critical data elements, including the child abduction (CA) and AMBER Alert (AA) flags, must be entered into the NCIC system in order to trigger the resources of the National Center for Missing and Exploited Children (NCMEC) and the FBI.

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- (c) Police Records will send a statewide Administrative Message (AM) via LEDS with the information. The text of the message will begin with the words, "Oregon AMBER Alert."
- (d) The information in the press release should also be forwarded to the dispatch center so that general broadcasts can be made to local law enforcement agencies.
- (e) Consideration should be given to whether to utilize the following resources:
 - 1. Federal Bureau of Investigation (FBI Local Office)
 - 2. National Center for Missing and Exploited Children 800-843-5678

The FBI and NCMEC will have received notification of the AMBER Alert via the NCIC computer entries. If needed, the Oregon State Police Missing Children Clearinghouse is available to assist agencies with any additional notifications or to serve as the liaison with NCMEC.

Victim and Witness Assistance

317.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

317.2 POLICY

The Beaverton Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Beaverton Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

317.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Beaverton Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

317.4 CRIME VICTIMS

Officers shall provide all victims with applicable victims' rights information covered in the Department's Crime Victims' Rights Card.

Victim advocate volunteers are available to provide on-scene services to victims of all crimes except for sexual assault. Victim advocates can provide rights, resources, and safety planning. Call out requests for victim advocates are made through Police Records.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct them to the proper written department material or available victim resources.

317.4.1 VICTIM PERSONAL REPRESENTATIVE

Victims of a person crime, as defined in ORS 147.425, have the right to select a person, 18 years of age or older, to be the victim's personal representative to accompany the victim during phases of an investigation, including medical examinations. The personal representative may only be excluded if there is a belief that the representative would compromise the process (ORS 147.425).

317.5 VICTIM INFORMATION

The Community Services Lieutenant shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.

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- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (e) A clear explanation of relevant court orders and how they can be obtained.
- (f) Information regarding available compensation for qualifying victims of crime.
- (g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Notice regarding U visa and T visa application processes. (Refer to Immigration Violations Policy.)
- (i) Resources available for victims of identity theft.
- (j) A place for the officer's name, badge number and any applicable case or incident number.
- (k) A statement of legal rights and remedies available to victims of abuse, as required by ORS 133.055.
- (l) Information about the Address Confidentiality Program. This program is from the Oregon Department of Justice, Crime Victims and Survivor Services Division for victims of domestic violence, sexual offenses, stalking or human trafficking (ORS 192.826).
- (m) Oregon Crime Victim Bill of Rights (ORS 147.417).
- (n) Information for victims of sexual assault that includes but is not limited to (ORS 181A.325).
 - (a) Contact information for the crime victim liaison for victims of sexual assault.
 - (b) Notice that victims may request and receive information concerning sexual assault kits if providing the information would not interfere with the investigation.
- (o) The hate crimes telephone hotline for assisting the victims of bias crimes and bias incidents (ORS 147.380).

317.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that their identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Hate Crimes

318.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

318.1.1 DEFINITIONS

Definitions related to this policy include:

Hate crime - A bias crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim (ORS 166.155; ORS 166.165).

318.2 POLICY

The Beaverton Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

318.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.
- (b) Providing victim assistance and community follow-up or identifying available resources to do so.
- (c) Educating community and civic groups about hate crime laws.

318.4 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned officers will promptly contact the victim, witness, or reporting party to investigate the matter further, as circumstances may dictate.
- (b) A supervisor shall be notified of the circumstances as soon as practicable.
- (c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers will take reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
- (e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.

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- (f) The assigned officers should interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (g) The assigned officers shall make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (h) The assigned officers will include all available evidence indicating the likelihood of a hate crime in the relevant reports.
- (i) All related reports shall be clearly marked "Hate Crime" and, absent prior approval of a supervisor, the report will be completed and submitted by the assigned officer(s) before the end of their shift.

318.4.1 INVESTIGATIONS DIVISION RESPONSIBILITIES

If a hate crime case is assigned to the Investigations Division, the assigned detective will be responsible for :

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim(s) and other involved individuals as needed.
- (c) Maintaining statistical data and tracking of suspected hate crimes shall be completed by the crime analyst as indicated or required by state law.

318.5 TRAINING

All members of this department shall receive training on hate crime recognition and investigation.

Standards of Conduct

319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Beaverton Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

319.2 POLICY

The continued employment or appointment of every member of the Beaverton Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

319.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

319.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

319.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to their immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

319.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Oregon constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

319.4.1 DUTY TO INTERVENE AND REPORT

Without regard to rank, an officer who knows or reasonably should know that another officer is engaging in misconduct or a violation of the minimum standards for physical, emotional, intellectual, and moral fitness for public safety personnel under ORS 181A.410 shall, when practicable, intervene to prevent or stop the misconduct unless the officer cannot intervene safely. An officer who witnesses another officer engaging in misconduct shall report the misconduct or violation as soon as practicable, but not later than 72 hours after witnessing the misconduct or violation to a supervisor, chain of command, or the Department of Public Safety Standards and Training (DPSST) (ORS 181A.681).

Sustained allegations for failure of an officer to intervene or report the misconduct by another officer is grounds for disciplinary action by the Department or suspension or revocation of the officer's certification by the DPSST (ORS 181A.681; ORS 181A.683).

Misconduct means (ORS 181A.681):

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- (a) Unjustified or excessive force that is objectively unreasonable under the circumstances or in violation of the department policies related to the use of force.
- (b) Sexual harassment or sexual misconduct.
- (c) Discrimination against a person based on race, color, religion, sex, sexual orientation, gender identity, national origin, disability, age, or other legally protected status.
- (d) A crime.

319.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

319.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

319.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Beaverton Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

319.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected

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by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

319.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

319.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

319.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any Beaverton Police Department badge, uniform, identification card, or department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

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- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

319.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

319.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.

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2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
1. Unauthorized attendance while on-duty at official legislative or political sessions.
 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.

319.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on their part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

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- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on-duty or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

319.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

319.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Information Technology Use

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Beaverton Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

USB Flash Drive - a portable data storage device that includes flash memory with an integrated Universal Serial Bus (USB) interface. USB flash drives are also referred to as; Jump Drive, Thumb Drive, Memory Stick, Pen Drive, etc.

Virus Scanning Station - a stand-alone computer that's sole purpose is to scan PESD drives for virus or malicious content. A Virus Scanning Station is also referred to as a "Dooms Day Machine."

320.2 POLICY

Beaverton Police Department members shall use information technology resources, including computers, smartphones, software and systems, that are issued or maintained by the Department, in a professional manner and in accordance with BPD and city policies. City policies on computer, email, Internet, and use of city equipment, supplies, and telephones are included in the City of Beaverton Employee Handbook.

320.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

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The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

320.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their Division Manager.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

320.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

320.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation

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or assisting in an active investigation or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

320.4.3 PORTABLE ELECTRONIC STORAGE DEVICES (PESD) / FLASH DRIVES

- (a) Only certain personnel will be approved and thereafter authorized to possess and use Universal Serial Bus (USB) PESD drives on City of Beaverton (COB) computers.
- (b) The PESD drives will be provided by the Information Services Department (ISD) to ensure they are equipped with proper security software and are CJIS compliant.
- (c) Proper safety procedures are followed whenever the devices have been used outside of the COB network.
- (d) Only certain data is stored on the PESD drives.

320.4.4 PESD DRIVE USE

- (a) Members of the Criminal Investigations Division (Detectives) and other authorized personnel may be issued PESD drives. Only PESD drives installed with anti-virus software and encryption software authorized by the City of Beaverton's ISD Manager shall be approved for use. The use of any personal portable electronic storage devices is prohibited.
- (b) Detectives and approved members who have been issued PESD drives shall use them for work related tasks only such as, completing, editing, and transferring of digital data/image files. The PESD drive can be used on the detective's computer to access and transfer specific digital files needed from the detective's COB network drive.
- (c) The detective or approved member shall not use the PESD drive as an alternative storage system to any COB network drive. The PESD drive shall be used for current projects only, and may be used to store electronic templates, masks, and forms that are void of personal, confidential or sensitive information.
- (d) When a detective or approved member is using a PESD drive with data/image files that contain confidential or sensitive information, and once their immediate need for those files is complete, the detective or approved member are to transfer those files back to their COB network drive or delete them from the PESD drive memory as soon as practical. This is designed as an added measure of security in the event a PESD drive was to become lost.
- (e) If the approved portable electronic storage device is lost or damaged, the approved member shall notify their supervisor of the loss or damage immediately. The member shall ensure the security of the portable electronic storage device at all times.
- (f) Computers, computer files, portable storage devices (USB flash drives), the email system, software furnished to an employee, and equipment, services, and technology

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provided to access the Internet are City property intended for City business use. As such, the City reserves the right to access and monitor content of these devices or services, and retrieve and read any data composed, sent, or stored on the device. See City of Beaverton Employee Handbook, Article 10.7; Computer, E-mail, and Internet usage.

- (g) Information stored on these drives is deemed a public record of the City of Beaverton and as such is subject to disclosure under public records laws and court order.
- (h) Represented employees should refer to their respective collective bargaining agreement for further information on this subject.
- (i) Detectives and approved members shall run the PESD drive through the Virus Scanning Station after any instance in which they use the PESD drive in a computer that is not on the City of Beaverton network.
- (j) The Virus Scanning Station (AKA Dooms Day Machine) will be a stand-alone computer placed in the Detective Division. The PESD drive will be inserted into the USB portal of the machine and the procedures for doing a virus check of the PESD drive will be completed by the machine. Once the detective has received the message indicating the PESD drive check is complete and virus free, the PESD drive will be removed from the machine and may be used on the detective's assigned computer.

320.4.5 INTERNET USE

Internet access provided by or through the Department should be limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment. Refer to the Computer, E-mail, and Internet Usage Policy in the Employee Handbook for additional information on Internet use.

Downloaded information shall be limited to messages, mail and data files.

320.4.6 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

320.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Information Technology Use

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

320.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of their supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

Report Preparation

321.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

321.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. After receiving supervisor approval, the officer can hold the report until their next shift. Upon the officer's return to duty, the report will be completed as soon as practical. Generally, reports requiring prompt follow-up, action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the transcriber. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

321.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

321.2.1 CRIMINAL ACTIVITY

When an officer responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the officer is required to document the activity. The officer shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:

Report Preparation

1. Use of Force Policy
 2. Domestic Violence Policy
 3. Child Abuse Policy
 4. Adult Abuse Policy
 5. Hate Crimes Policy
 6. Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report
1. If the victim does not desire a report, the incident will be recorded on the dispatcher's log (CAD).
- (f) When otherwise directed by a supervisor
- (g) If there is any doubt whether a report should be written, then it should be written.

321.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented appropriately:

- (a) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (b) Any firearm discharge (see the Firearms and Qualification Policy)
- (c) Any time a person is reported missing within the Beaverton City limits (see the Missing Persons Reporting Policy)
- (d) Any found property or found evidence
- (e) Any traffic crashes outlined in the Traffic Crash Reporting Policy
- (f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (g) All protective custody detentions
- (h) Suspicious incidents that may place the public or others at risk
- (i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

321.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Death Investigation Policy. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths

Report Preparation

- (b) Suicides
- (c) Homicide or suspected homicide
- (d) Unattended deaths (No physician or qualified hospice care during the period immediately preceding death)
- (e) Found dead bodies or body parts

321.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment. Reports shall be taken that involve damage to private property that is the result of an act of a City employee.

321.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of an intentional or illegal drug overdose.
- (b) Attempted suicide.
- (c) The injury is major/serious, where death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident they deem necessary.

321.2.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public electronically, by mail, or in-person are listed below. The Community Crime Report Form is located on the police department's website.

- (a) The incident involves property only and it does not involve robbery, assault, a sex crime or other crime against a person
- (b) The value of the lost or stolen property, property damage or a combination of both is under \$1,000
- (c) This incident was not racially or ethnically motivated
- (d) This is an isolated incident, is not a series of crimes against you or your family, and is not a series of crimes in a particular area
- (e) You are completing this report for documentation and/or insurance purposes only and you do not expect a police investigation
- (f) You have no information that would help the police to identify a suspect or solve this incident
- (g) This cannot be an identity theft, unauthorized use of credit card, lost/stolen consulate card, or lost/stolen prescription medication

Report Preparation

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims of identity theft and fraud to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

321.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

321.3.1 REPORT TYPES/FORMS

- General Offense - is the traditional police report that documents a reported offense.
- Arrest Booking - documents an arrest/custody.
- Supplemental - documents follow up and supplemental information to General Offense Report.
- Street Check - documents the presence of persons in certain areas at certain times for investigative needs.
- Property Report - records information for either in-custody property items or items that have been stolen or damaged. Property reports can be linked to General Offense and Supplemental Reports.

321.3.2 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

321.3.3 GENERAL USE OF OTHER HANDWRITTEN FORMS

Forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

321.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor shall notify the writer stating the reasons for the rejection. The original report shall be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

Report Preparation

321.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to Police Records for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to Police Records may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

321.6 ELECTRONIC SIGNATURES

The Beaverton Police Department has established an electronic signature procedure for use by all employees of the Beaverton Police Department. The Operations Captain shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for their electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of their electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

Media Relations

322.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

322.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, members of the Command Staff and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

322.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

322.3 MEDIA ACCESS

Authorized members of the media should be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should

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be coordinated through the department Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for TFRs should be routed through the Patrol Lieutenant. The TFR should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).
- (c) No member of this department who is under investigation should be subjected to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.
- (e) Media representatives will not be allowed to enter the inner perimeter of a tactical situation or a crime scene while an incident or investigation is in progress.

A tactical operation should be handled in the same manner as a crime scene, except that the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

322.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

322.3.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Patrol Lieutenant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower.

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If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

322.4 INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Public Information Officer. This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Information pertaining to a juvenile arrestee, victim, or witness shall only be released as articulated in the Records Maintenance and Release Policy.

Identifying information concerning victims of sex crimes shall not be included in the daily log or released to the media.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Medical Examiner's Office.

Any requests for copies of related reports or additional information not contained in the daily log shall be referred to the designated department media representative or the custodian of records. Such requests will generally be processed in accordance with the provisions of this policy.

322.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be obtained.

Subpoenas and Court Appearances

323.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Beaverton Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

323.2 POLICY

Beaverton Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

323.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

A subpoena may be served upon a member by one of the following (ORS 136.595; ORCP 55):

- (a) Personal service.
- (b) Accepted by an authorized member on behalf of a currently employed officer who is within the state at the time of service and is delivered at least 10 days prior to the hearing date specified on the subpoena.
 - 1. Attendance at trial is related to the officer's work performed in the course of employment as a peace officer.
 - 2. The subpoena clerk shall make a good faith effort to notify the subpoenaed officer of the date, time and location of the court appearance. If the officer cannot be notified, the subpoena clerk will promptly notify the court of the inability to contact the officer.

A civil subpoena being served upon a member as an expert witness may be personally served upon the member or member's immediate supervisor (ORS 44.552). Refer to the Police Records Manual. Civil subpoenas must be accompanied with the appropriate fee. If the fee is not included with the subpoena, it is not serviceable. A Sergeant or Lieutenant is the point of contact to accept subpoenas.

Subpoenas shall not be accepted unless accompanied by the appropriate witness fees as allowed by law (ORS 44.415; ORS 44.554; ORCP 55 (D)(1)).

323.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify their immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of their official capacity, is a party.

Subpoenas and Court Appearances

- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of their official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of their association with the Beaverton Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Beaverton Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

323.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

323.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for actions taken off-duty not related to their employment with the Beaverton Police Department shall comply with the requirements of the subpoena.

323.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

323.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes their location during the day, the member shall notify the designated department member of how they can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

323.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

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- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

323.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

323.7 OVERTIME APPEARANCES

When a member appears in court on their off-duty time, they will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

323.8 USE OF OUTLOOK CALENDAR FOR COURT SCHEDULING

Microsoft Outlook Calendar is a calendar program that is provided to each member of the department and is accessible via the exchange e-mail network.

- (a) Each member of the Beaverton Police Department shall access and review their Microsoft Outlook Calendar on a regular basis.
 - 1. Each member shall update their Microsoft Outlook Calendar on a regular basis to include any shift changes, time off (comp time, vacation and holiday time) and any upcoming Circuit Court, Municipal Court and DMV hearing subpoenas.
 - 2. If there is a scheduling conflict between different, respective courts, the member shall immediately notify both the Beaverton Municipal Court Coordinator and the Deputy District Attorney.
 - 3. Each member shall keep their respective supervisor updated on such conflicts either verbally or via e-mail.

Reserve Officers

324.1 PURPOSE AND SCOPE

The Beaverton Police Department Reserve Unit was established to supplement personnel for routine law enforcement activities, broaden the capabilities of the department to handle unusual events and emergencies, enhance public service and garner community support and understanding of the police function through community involvement. The police reserve unit increases community member involvement in law enforcement by their participation in police activities.

324.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Beaverton Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department. The minimum criteria for selection and appointment of reserve officers shall be the same as is required of regular full-time officers.

324.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Upon appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a basic reserve academy within 18 months of the date of appointment.

324.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take an oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

324.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

324.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g. a community services officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Human Resources Department prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

324.3 DUTIES OF RESERVE OFFICERS

Reserve Officers

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Operations. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 20 hours per month.

324.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and they shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

324.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or the authorized designee.

324.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to the following:

- (a) Assignment of reserve personnel.
- (b) Conducting regularly scheduled reserve meetings.
- (c) Establishing and maintaining a reserve call-out roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring individual reserve officer performance.
- (f) Monitoring overall Reserve Program.
- (g) Maintaining liaison with other agency Reserve Coordinators.

324.4 FIELD TRAINING

The field training program shall consist of the completion of three training phases to be completed under the supervision of a Primary Training Officer, with the assistance of other training officers, as assigned by the department. During the field training period the reserve officer must complete the standard Department's Reserve Field Training Manual as described in the Field Training Manual section of this policy.

324.4.1 TRAINING OFFICERS

Officers of this department, who demonstrate a desire and ability to train reserve officers, may be selected to train reserves during the three training phases.

Reserve Officers

324.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, recruit reserve officers will be assigned to training officers by the reserve coordinator. At a minimum, the recruit reserve officer will be assigned to work with their assigned training officer(s) for a period of one year and the successful completion of the reserve field training program.

324.4.3 FIELD TRAINING MANUAL

Each new recruit reserve officer will be issued a Field Training Manual at the beginning of their Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a reserve officer with the Beaverton Police Department. Each section of the manual must be signed-off by the Training Officer observing the performance. The completed manual will be submitted to the Training Sergeant and it shall become part of the reserve officer's training file. The reserve officer shall become knowledgeable of the subject matter as outlined and proficient with those skills as set forth in the manual.

324.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Reserve Training Phases the assigned reserve training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the recruit reserve officer has progressed satisfactorily, they may qualify for reserve officer status. A recommendation is made by the reserve coordinator and reserve advisor(s) for final approval by the Chief of Police.

324.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers should be under the immediate supervision of a regular sworn officer. These provisions shall continue to apply unless special authorization is received which relieves the immediate supervision requirement.

324.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve officers upon being released from training, with prior authorization of the Reserve Coordinator and/or a supervisor, may be relieved of the "immediate supervision" requirement. Reserve officers may function under this authorization only for the duration of the assignment or purpose for which the authorization was granted.

324.5.2 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

324.5.3 IDENTIFICATION OF RESERVE OFFICERS

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer with the exception that

Reserve Officers

"Reserve" will be indicated on the badge. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

324.5.4 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department. Reserve officers wear a uniform identical to the police officer uniform, with the addition of a "RESERVE" patch worn below the departmental patch.

324.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against them or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Professional Standards Division.

Reserve officers are considered at-will employees.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

324.5.6 RESERVE OFFICER EVALUATIONS

While in training reserve officers will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a recruit until all of the training phases have been completed.

324.6 FIREARMS REQUIREMENTS

Reserve officers have peace officer powers during their assigned reserve officer duties.

324.6.1 CARRYING WEAPON ON-DUTY

It is the policy of this department to allow reserve officers to carry firearms only while on-duty or to and from duty.

324.6.2 IN-SERVICE TRAINING

Reserve officers are encouraged to attend all in-service training offered to regular officers. Reserve officers are required to attend classes designated as mandatory training.

324.6.3 CONCEALED FIREARMS PROHIBITED

No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from their assigned reserve duties, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for their on-duty assignment. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Reserve Officers

Before being allowed to carry any optional firearm during an on-duty assignment, the reserve officer shall have demonstrated their proficiency with said weapon.

324.6.4 RESERVE OFFICER FIREARM TRAINING

The reserve recruit will be required to satisfactorily complete the approved firearms training. Reserve officers shall participate in all mandatory department firearms training. Upon becoming a reserve officer, the reserve will be given firearms training by the department range master or the authorized designee. Only upon successful completion of department firearms training will the officer be permitted to carry a weapon on-duty.

324.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

324.8 HONORARY RESERVE OFFICER PROGRAM

The Chief of Police may appoint community members as honorary reserve officers. Community members so appointed are not active members of the reserve unit, are not subject to any of the regular duties or responsibilities of reserve recruits or reserve officers, and fall outside of the reserve officer chain of command.

- (a) **Duties.** Honorary reserve officers are appointed by the Chief of Police when, in the judgment of the Chief of Police, such appointment is in the best interest of the department and the City. Circumstances when appointment of an honorary reserve officer is appropriate include when appointment may help the department gain community input, increase the department's partnership with the public or otherwise improve the department's relations with the public. Otherwise, an honorary reserve officer has no special duties as a result of their appointment as an honorary reserve officer.
- (b) **Authority of Honorary Reserve Officer.** Honorary reserve officers have none of the special powers granted peace officers under state or federal law. Upon appointment as an honorary reserve officer, the community member should be reminded of this lack of special authority.
- (c) **Badge/Identification.** Honorary reserve officers may be issued an honorary reserve officer badge and/or identification card. The honorary reserve officer shall take reasonable care of the issued items and should promptly report the loss of either of them. The issued items remain the property of the department and shall be returned to it, if requested.
- (d) **Oath.** An honorary reserve officer may be asked to take an oath as part of their appointment as an honorary reserve officer. The oath shall be the same as the oath taken by peace officers to become sworn members of this department. However, by virtue of taking such oath, the honorary reserve officer shall not be considered a sworn member of this department.

Reserve Officers

324.9 SPECIAL RESERVE ENFORCEMENT OFFICER PROGRAM

The Chief of Police may appoint retired police officers as special reserve officers. These special reserve officers are not active members of the reserve unit, are not subject to any of the regular duties or responsibilities of reserve recruits or reserve officers, and fall outside of the reserve officer chain of command.

- (a) **Duties.** Special reserve officers' duties consist solely of operating within the Department's Photo-Radar enforcement program. Special reserve officers are hired by the City of Beaverton as part-time employees, whose sole function is to operate the Photo-Radar van or approval of photo red light violations, and to appear in municipal court to testify as required.
- (b) **Authority of Special Reserve Officer.** Special reserve officers have none of the special powers granted peace officers under state or federal law. Upon appointment as a special reserve officer, the community member should be reminded of this lack of special authority.
- (c) **Badge/Identification.** Special reserve officers may be issued a reserve officer badge and/or identification card. The special reserve officer shall take reasonable care of the issued items and should promptly report the loss of either of them. The issued items remain the property of the department and shall be returned to it if requested.
- (d) **Oath.** A special reserve officer may be asked to take an oath as part of their appointment as a special reserve officer. The oath shall be the same as the oath taken by peace officers to become sworn members of this department. However, by virtue of taking such oath, the special reserve officer shall not be considered a sworn member of this department.

Outside Agency Assistance

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

325.2 POLICY

It is the policy of the Beaverton Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

325.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for non-emergency types of assistance from another agency should be routed to the Patrol Sergeant's office for approval. Requests for immediate or emergency assistance is covered in a memorandum of understanding or other established protocol that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, a Patrol Sergeant or Patrol Lieutenant (depending on the nature of the request) may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

325.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Beaverton Police Department shall notify their supervisor and WCCCA as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions, or routine self-initiated activities, including, but not limited to pedestrian stops or traffic stops.

Outside Agency Assistance

325.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

325.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities, where officers take police action that are not documented in a crime report, shall be documented in a general report or as directed by a supervisor.

325.6 SHARING GRANT-FUNDED EQUIPMENT AND SUPPLIES

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Captain or the authorized designee.

The Police Inventory Specialist shall maintain an inventory record of grant-funded purchases. The Training Sergeant should maintain documentation that the appropriate members have received the required training.

Registered Offender Information

326.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Beaverton Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

326.2 POLICY

It is the policy of the Beaverton Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

326.3 REGISTRATION

The Police Records Manager shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process (OAR 257-070-0100).

Upon conclusion of the registration process, Police Records shall ensure that the registration information is provided to the Oregon State Police in accordance with ORS 163A.035 and OAR 257-070-0100.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to report.

326.3.1 CONTENTS OF REGISTRATION

Registrants shall (ORS 163A.010; OAR 257-070-0110):

- (a) Provide the information to complete the sex offender registration form and sign it.
- (b) Submit to photographs, including photographs of scars, marks or tattoos, when initially reporting and each time the registrant reports annually.
- (c) Submit to fingerprinting, if required.

326.4 MONITORING OF REGISTERED OFFENDERS

The Criminal Intelligence Unit should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with their registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence.

Registered Offender Information

- (b) Review of information on the [State of Oregon Sex Offender Inquiry System](#).
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to Oregon State Police.

The Criminal Intelligence Unit should also establish a procedure to routinely disseminate information regarding registered offenders to Beaverton Police Department personnel, including timely updates regarding new or relocated registrants.

326.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided the Sex Offender Inquiry System (<http://sexoffenders.oregon.gov/>), or the Beaverton Police Department's website.

The Records Manager shall release local registered offender information to residents in accordance with state law and in compliance with Oregon Public Records Law requests (ORS 163A.215; ORS 163A.225; ORS 192.311 to ORS 192.499).

Major Incident Notification

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

327.2 POLICY

The Beaverton Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media, city leaders, and the public may be properly addressed.

327.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police, Deputy Police Chief, and the affected Division Captain. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting on- or off-duty (see the Officer-Involved Shootings and Death Policy for special notifications)
- Significant injury or death to an employee on- or off-duty
- Death of a prominent official
- Arrest of department employee or prominent official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths
- Any other event likely to attract media attention

327.4 LIEUTENANT RESPONSIBILITY

The Patrol Lieutenant/division lieutenant is responsible for making the appropriate notifications. The Patrol Lieutenant/division lieutenant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Patrol Lieutenant/division lieutenant shall attempt to make the notifications as soon as practicable. If no Patrol Lieutenant/division lieutenant is available, a Patrol or division sergeant will make the appropriate notifications. If the person being notified is off-duty, notification should be made by calling all available phone numbers.

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327.4.1 STAFF NOTIFICATION

In the event an incident occurs as described in this policy, the affected Division Lieutenant, Division Captain, Deputy Police Chief, and Chief of Police shall be notified via chain of command.

327.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

327.4.3 TRAFFIC DIVISION NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

327.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

Death Investigation

328.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

[See attachment: BPD Death Investigation Worksheet - Policy 328.pdf](#)

328.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

328.2.1 MEDICAL EXAMINER NOTIFICATION

Oregon Revised Statutes 146.090 requires that a medical examiner must be notified in the following circumstances. Any death:

- (a) Apparently homicidal, suicidal or occurring under suspicious or unknown circumstances
- (b) Resulting from the unlawful use of controlled substances or the use or abuse of chemicals or toxic agents
- (c) Occurring while incarcerated in any jail, correction facility, or in police custody
- (d) Apparently accidental or following an injury
- (e) By disease, injury or toxic agent during or arising from employment
- (f) While not under the care of a physician during the period immediately previous to death
- (g) Related to disease which might constitute a threat to the public health
- (h) In which a human body apparently has been disposed of in a manner that is offensive to the generally accepted standards of the community

The body, effects of the deceased, and any instruments or weapons related to the death shall not be disturbed or moved from the position or place of death without permission of the Medical Examiner, medical-legal death investigator or the District Attorney (ORS 146.103).

A Medical Examiner, medical-legal death investigator or District Attorney, in conjunction with the Beaverton Police Department and/or the county Major Crime Team, shall take custody of, or exercise control over the body, the effects of the deceased and any weapons, instruments, vehicles, buildings or premises which the medical examiner has reason to believe were involved in the death, in order to preserve evidence related to the cause and manner of death (ORS 146.103).

The members of the Beaverton Police Department will work cooperatively with both the Medical Examiner's Office and the District Attorney in all death investigations.

Death Investigation

328.2.2 SEARCHING DEAD BODIES

The deceased will not be searched until the medical examiner has authorized a search. Whenever personal effects are removed from the body of the deceased, a receipt shall be obtained. This receipt shall be attached to the death report.

Officers must make a reasonable search of an individual who reasonably appears to be dead for a document of gift or other information identifying the individual as a donor or as an individual who made a donor refusal. If a document of gift or a refusal to make an anatomical gift is located and the individual or deceased individual is taken to a hospital, the officer must alert the hospital staff to the documentation and forward it to the hospital (ORS 97.970). Officers must consider the integrity of the scene and evidence collection issues when deciding whether a search is reasonable.

328.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by an officer assigned to the incident. When practical, the Police Chaplain may be requested to accompany the officer.

If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

Upon identifying the body, investigators shall attempt to locate the next of kin or responsible friends to obtain the designation of a funeral home to which the deceased is to be taken.

328.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner's office will issue a "John Doe" or "Jane Doe" number for the report.

328.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form(s).

328.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the CID sergeant shall be notified to determine the need for a detective to respond to the scene for further immediate investigation.

Identity Theft

329.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. A person commits the crime of identity theft if the person, with the intent to deceive or to defraud, obtains, possesses, transfers, creates, utters or converts to the person or another person's personal identification (Oregon Revised Statutes 165.800). This policy is intended to provide guidelines for the reporting and investigation of such crimes.

329.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of "identity theft" shall initiate a report for victims residing within the jurisdiction of this department. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
 - 1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where they reside.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
- (e) Following supervisory review and departmental processing, the initial report may be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

Private Persons Arrests

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to ORS 133.220(5).

330.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

330.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another person for any crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime. A person making such an arrest shall, without unnecessary delay, take the arrested person before a magistrate or deliver the arrested person to a peace officer (ORS 133.225).

In making an arrest, a private person may use the amount of force they reasonable believe is necessary to make the arrest or to prevent the arrested person's escape.

330.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is probable cause to believe that such an arrest would be lawful.

- (a) Should any officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
 - 2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should

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advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

- (b) Whenever an officer determines that there is probable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
 - 1. Take the individual into physical custody for booking.
 - 2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

330.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must sign the appropriate department form.

In addition to the signature form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

Limited English Proficiency Services

331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

331.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Beaverton Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

331.2 POLICY

It is the policy of the Beaverton Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

331.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Captain or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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- (a) Coordinating and implementing all aspects of the Beaverton Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Patrol Lieutenant. The list should include information regarding the following:
 - 1. Languages spoken
 - 2. Contact information
 - 3. Availability
- (d) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (e) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (f) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (g) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.
- (h) Receiving and responding to complaints regarding department LEP services.
- (i) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

331.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department may utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

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- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

331.5 TYPES OF LEP ASSISTANCE AVAILABLE

Beaverton Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make reasonable efforts to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services if available at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

331.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

331.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

331.7.1 TRANSLATOR PAY

The Collective Bargaining Agreement between the City of Beaverton and Beaverton Police Association may contain additional information regarding personnel eligible for Translator Pay and should be appropriately consulted.

331.8 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

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Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

331.8.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

331.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such

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individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

331.9 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department may utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

331.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Beaverton Police Department will take reasonable steps and will work with the Human Resources Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

331.11 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

331.12 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably

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possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

331.13 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

331.13.1 INTERPRETER REQUIRED IN ARRESTS

An officer who arrests a person who cannot readily understand or communicate the English language shall, prior to any interrogation or the taking of a statement, make available a qualified interpreter to assist throughout the interrogation or taking of the statement. Fees and expenses of the interpreter will be paid as specified by Oregon law (ORS 133.515).

331.14 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

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331.15 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

331.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

331.17 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures; including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

Communications with Persons with Disabilities

332.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

332.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

332.2 POLICY

It is the policy of the Beaverton Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

332.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Services Division Captain or the authorized designee shall serve as the department liaison to the City's ADA Coordinator.

The responsibilities of the ADA Liaison shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the Beaverton Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

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- (d) Ensuring that a list of qualified interpreter services is maintained and available to Department members. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

332.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean they completely understand the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

332.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

Communications with Persons with Disabilities

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Beaverton Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

332.6 TYPES OF ASSISTANCE AVAILABLE

Beaverton Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

332.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

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332.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide their own interpreter (28 CFR 35.160).

332.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

332.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Communications with Persons with Disabilities

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

332.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

332.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

332.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the

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communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

332.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

332.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that they understand the process and desire to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

Communications with Persons with Disabilities

332.14.1 INTERPRETER REQUIRED IN ARRESTS

An officer who arrests a person who is deaf, has a physical hearing impairment or physical speaking impairment shall, prior to any interrogation or the taking of a statement, make available a qualified interpreter to assist throughout the interrogation or taking of the statement. Fees and expenses of the interpreter will be paid as specified by Oregon law (ORS 133.515).

332.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that they prefer a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

332.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

332.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

332.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

Communications with Persons with Disabilities

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

Stalking

333.1 PURPOSE AND SCOPE

This policy establishes procedures for the investigation and enforcement of stalking complaints (ORS 163.730 et seq.).

333.1.1 POLICY

Stalking behavior frequently results in serious injury and emotional trauma to victims. It is the policy of the Beaverton Police Department to ensure that complaints of stalking will be given high priority and that every formal stalking complaint will be thoroughly investigated and forwarded to the District Attorney's Office.

333.2 UNIFORM STALKING COMPLAINT

The Department will make available an Oregon Uniform Stalking Complaint form to individuals who have established that stalking has occurred. To meet the requirement for an individual to fill out an Oregon Uniform Stalking Complaint, contact with the victim (or member of their immediate family or household) has to be repeated and unwanted, needs to be contact which would cause a reasonably objective person to be coerced or alarmed, and causes the victim to feel reasonable apprehension for their safety (or the safety of a member of their immediate family or household. (Oregon Revised Statute 163.732 (1)).

Officers will provide reasonable assistance for petitioners to properly complete and sign the form. The individual can also go to the Domestic Violence Resource Center Community Advocacy Program to complete an Oregon Uniform Stalking Complaint.

Upon receipt of a completed Uniform Stalking Complaint, officers should sign the form and complete a thorough investigation if warranted. All stalking incident reports shall be forwarded to the District Attorney's Office, regardless if any civil or criminal action was taken, within three days (ORS 163.738(7)).

333.3 UNIFORM STALKING CITATION

The bottom half of the Uniform Stalking Complaint is a Uniform Stalking Citation. The citation is a civil summons for the respondent to appear at a hearing to determine if a permanent Stalking Protective Order will be issued against the respondent. Officers should complete and attempt to serve a Uniform Stalking Citation, with a court date set for within three judicial days (business days excluding holidays) on a Monday, Wednesday or Friday, from the date the citation is served, on the respondent in every case where:

- (a) The officer has received a completed Uniform Stalking Complaint, and
- (b) The officer has probable cause to believe that the elements of ORS 163.732(1), (Stalking) have been met.

Stalking

333.3.1 SERVICE OF STALKING CITATIONS

- (a) If the citation is served, the officer is required to advise the respondent of the court date, time and location. Officers should advise the respondent of the following:
 - 1. Engaging in behavior that alarms or coerces the petitioner may result in their arrest.
 - 2. The contents of the complaint and citation are on the front of the form.
 - 3. The definition of contact and the federal law restrictions are on the back of the form.
 - 4. A warrant will be issued for their arrest if they fail to appear at the hearing
 - 5. A permanent Stalking Protective Order will be issued at the time of the hearing.
- (b) If a Uniform Stalking Citation is issued, distribute the colored copies as follows:
 - 1. White copy – Court Calendaring, delivered by CSOs
 - 2. Green copy – Records Department for case file
 - 3. Yellow Copy – District Attorney's Office
 - 4. Pink Copy – Petitioner
 - 5. Goldenrod Copy - Respondent

If there is probable cause to issue a citation, but the citation is not served, attempts to serve the respondent should be documented.

If the citation is served on the respondent, the petitioner should be advised that they must also appear at the hearing or the Uniform Stalking Complaint will be dismissed and a Stalking Protective Order will not be issued.

333.4 ARREST

Officers may arrest or cite a suspect for any criminal offense committed (including stalking) if the statutory elements have been met, as well as issue a (civil) Uniform Stalking Citation; the two actions are not mutually exclusive.

333.4.1 STALKING PROTECTIVE ORDERS

Once the court issues a temporary or permanent Stalking Protective Order and it is served on the respondent, officers may arrest the respondent for violating the terms of the order (ORS 163.750).

In cases where the officer's testimony is imperative to the issuance of a permanent Stalking Protective Order, the officer may obtain approval from a Supervisor to testify at the civil stalking hearing, even without a subpoena.

Stalking

333.5 RESTRAINING ORDERS

Stalking protective orders and restraining orders are different, and are not mutually exclusive. A Uniform Stalking Complaint and Citation may be appropriate even if a valid restraining order, or other type of protective order, is in place.

333.6 VICTIM SAFETY PLANNING AND REFERRALS

Emphasis should be placed on safety planning with victims. The Department's victim advocate volunteers may be available to provide on-scene services to victims.

Officers should ensure that victims are provided with information about their rights, and recommend that victims contact the Domestic Violence Resource Center 24 hour support line or Community Advocacy Program for further assistance with safety planning.

Chaplains

334.1 PURPOSE AND SCOPE

The Beaverton Police Department Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Department, their families and members of the public.

334.2 POLICY

It is the policy of this department that the Chaplain Program shall be a non-denominational and ecumenical ministry.

334.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

- (a) By serving as a resource for department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.
- (b) By providing an additional link between the community, other chaplain programs and the Department.
- (c) By providing counseling, spiritual guidance and insight for department personnel and their families.
- (d) By being alert to the spiritual and emotional needs of department personnel and their families.
- (e) By familiarizing themselves with the role of law enforcement in the community.

334.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

- (a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.
- (b) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.
- (c) Must successfully complete an appropriate level background investigation.
- (d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.
- (e) Membership in good standing with the International Conference of Police Chaplains (ICPC).

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- (f) Possess a valid Oregon Driver License.
- (g) Must be at least twenty-one (21) years of age.
- (h) Must be a U.S. citizen and reside in Washington County, or an adjoining Oregon county at the time of appointment. Exceptions may be made for other locations which still allow response in a reasonable amount of time as determined by the Chief of Police.
- (i) Highly recommended completion of the Beaverton Police Community Academy.

334.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

- (a) Appropriate written application
- (b) Recommendation from their church elders, board, or council
- (c) Interview with Chief of Police and Chaplain Supervisor
- (d) Successfully pass an appropriate level background investigation
- (e) Complete an appropriate probationary period as designated by the Chief of Police or the authorized designee

334.6 DUTIES AND RESPONSIBILITIES

The duties of a chaplain include, but are not limited to, the following:

- (a) Assist in making notification to families of department members who have been seriously injured or killed.
- (b) After notification, responding to the hospital or home of the department member.
- (c) Visit sick or injured law enforcement personnel in the hospital or at home.
- (d) Attend and participate, when requested, in funerals of active or retired members of the Department.
- (e) Assist sworn personnel in the diffusion of a conflict or incident when requested.
- (f) Respond to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Patrol Lieutenant or Shift Supervisor aids in accomplishing the Department's mission.
- (g) Counsel with officers and other personnel with personal problems when requested.
- (h) Attend department and academy graduations, ceremonies and social events and offer invocations and benedictions, as requested.
- (i) Respond to all major disasters such as earthquakes, bombings and similar critical incidents.
- (j) Provide liaison with various religious leaders of the community.

Chaplains

- (k) Assist public safety personnel and the community in any other function of the clergy profession as requested.
 - 1. Some organizations in the community such as health care facilities and religious organizations provide services similar to those provided by chaplains. Chaplains may decline services to those organizations where there may be duplicity of services to maintain the efficiency of the chaplaincy program.
- (l) Participate in in-service training classes when appropriate.
- (m) Willing to train to enhance effectiveness.
- (n) Promptly facilitate requests for representatives or ministers of other various denominations.
- (o) Make referrals in cases where specialized attention is needed, or in those cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or follow-up contact that was provided while functioning as a chaplain for the Beaverton Police Department.

334.7 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to members of the Department may work or volunteer for the Beaverton Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform department members when it appears reasonably likely that the member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

- (a) Police chaplains will be familiar with ORS 40.260, pertaining to clergy-penitent privilege, and will acknowledge that they are familiar with this statute.
- (b) Oregon Revised Statute 40.260 provides that: "confidential communication" means a communication made privately and not intended for further disclosure except to other persons present in the furtherance of the purpose of the communication. AND "a member of the clergy may not be examined as to any confidential communication made to the member of the clergy in the member's professional character unless consent to the disclosure of the confidential communication is given by the person who made the communication."
- (c) Confidential communication made to a police chaplain will be privileged communication and shall not be violated except in the event of confessed child abuse, where the person is a danger to self or others or has committed a felony or other serious crime. See ORS 181.860 (8) a,b,c.

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- (d) In the event a department member reveals information that is not considered confidential communication as listed in Paragraph 2 of this section, the police chaplain shall notify the member that the chaplain is required to notify the Chief of Police immediately. The chaplain may offer the member an opportunity to first provide or reveal the information to the Chief of Police or the authorized designee prior to the chaplain doing so.
- (e) Any statement made to a police chaplain in the presence of a third person, whether or not the third person is a police officer, shall not be considered privileged communication. Under such circumstances it is the responsibility of the police chaplain to inform the individual that any statements made to the police chaplain are not considered privileged.
- (f) In the event a department member reveals or discloses information that leads the chaplain to believe the department member poses a threat to self or others, the chaplain shall notify the Chief of Police immediately.
- (g) No chaplain shall provide counsel to or receive confidential communications from any Beaverton Police Department employee concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

334.8 COMMAND STRUCTURE

- (a) Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the designated supervisor.
- (b) The Chief of Police shall make all appointments to the Chaplain Program.

334.9 OPERATIONAL GUIDELINES

- (a) Chaplains will be scheduled to be on-call according to a schedule that will be established or approved by the designated supervisor.
- (b) Each chaplain will serve with Beaverton Police Department personnel a minimum amount of hours that will be set by the designated supervisor.
- (c) At the end of each month, the chaplain will complete a monthly activity report and submit it to the Chief of Police or the authorized designee.
- (d) Chaplains are permitted to ride with officers during any shift and observe Beaverton Police Department operations. The shift supervisor will be notified and shall approve of the activity. Police chaplains will ride with a patrol officer a minimum of two (2) times per month for a minimum of four (4) hours per month. As a rider, chaplains are prohibited from:
 - (a) Approaching any vehicle on a traffic stop or approaching any residence, building, or other situation where the potential for violence exists or a crime is in progress, unless directed otherwise by the assigned officer.
 - (b) Entering any crime scene of a serious nature (such as a homicide) and/or touching, possessing, tampering with, or otherwise having contact with any evidence, unless directed otherwise by the assigned officer.

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- (c) Entering any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other community member.
- (d) Entering a private residence with an officer without the consent of the resident or other authorized person in control of the premises.
- (e) Failing to follow the directions of the officer or supervisor to which they are assigned.
- (f) Getting involved in any investigation and/or having discussion with victims or suspects, unless directed otherwise by the assigned officer.
- (g) Directing traffic.
- (e) Chaplains shall not carry a weapon while serving in the role of chaplain (without written consent from Chief of Police).
- (f) Chaplains shall not respond with Code 3 driving and will obey all traffic laws in that response.
- (g) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.
- (h) In responding to incidents, a chaplain shall never function as an officer.
- (i) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (j) Chaplains shall serve only within the jurisdiction of the Beaverton Police Department unless otherwise authorized by the Chief of Police or the authorized designee, or in exceptional circumstances on a case-by-case basis.
- (k) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such Information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.
- (l) Police chaplains may not speak to the media without the permission of the Chief of Police or the authorized designee.

334.9.1 UNIFORMS AND BADGES

A distinct uniform, badge and necessary safety equipment will be provided for the chaplains. This uniform should be sufficiently unique to distinguish chaplains from sworn and certified personnel of this department.

334.9.2 DISCIPLINARY PROCEDURES

- (a) All disciplinary actions or concerns regarding police chaplains shall be handled through BPD Policies for such matters.
- (b) As long as the chaplain is a member of the Public Safety Chaplaincy (PSC), a confidential notice shall be delivered to PSC, notifying them of any department disciplines that have been initiated. This matter shall be held in full confidentiality by all parties involved.

Child and Dependent Adult Safety

335.1 PURPOSE AND SCOPE

This policy provides guidelines to reduce the likelihood that dependent children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Vulnerable Adult Abuse Policy.

335.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Beaverton Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

335.3 PROCEDURES DURING AN ARREST

If during an arrest or prolonged detention situation an officer learns that the arrestee is responsible for dependent children or dependent adults, the officer should inquire about their location. In some cases this may be obvious, such as when dependent children or dependent adults are present.

If dependent children or dependent adults are present at the time of arrest, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of their presence. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

335.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take reasonable steps to ensure the safety of the arrestee's disclosed or discovered dependent children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of dependent children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of dependent children and dependent adults with a responsible party, as appropriate.
- (a) Officers should consider allowing the person to use their cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains

Child and Dependent Adult Safety

with relatives or family friends that they know and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services if appropriate.
- (e) Notify the field supervisor of the disposition of dependent children or dependent adults.

If dependent children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer, if requested, shall allow the arrestee to attempt to contact the school or other known location and inform the principal or appropriate responsible adult of their arrest and coordinate arrangements for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

335.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any dependent child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any dependent child or dependent adult through this process, a supervisor should be contacted.

335.3.3 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

335.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

Child and Dependent Adult Safety

335.5 TRAINING

The Training Division is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

Service Animals

336.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Beaverton Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

336.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

336.2.1 STATE LAW

Oregon law expands the definition of a service or assistance animal to include a dog or other animal designated by administrative rule that is individually trained to do work or perform tasks for the benefit of an individual (OAR 839-006-0345).

336.2.2 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting people with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

Service Animals

336.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Beaverton Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task the animal meets the definition of a service animal and no further question as to the animal's status should be asked. The person should not be questioned about their disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as the result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

Volunteer Program

337.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

337.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. For the Volunteer Program, this may include interns, persons providing administrative support, and youth involved in the Peer Court, among others.

337.2 VOLUNTEER MANAGEMENT

337.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or the authorized designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Ability to step in to complete any volunteer assignment if necessary.
- (c) Facilitating the implementation of new volunteer activities and assignments.
- (d) Maintaining records for each volunteer.
- (e) Tracking and evaluating the contribution of volunteers.
- (f) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (g) Maintaining a record of volunteer schedules and work hours.
- (h) Completion and dissemination as appropriate of all necessary paperwork and information.
- (i) Planning periodic recognition events.
- (j) Administering discipline when warranted.

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- (k) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.
- (l) Receiving and considering input and implementation of new programs as suggested by volunteers.

337.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

337.2.3 SCREENING

All prospective volunteers are required to complete the BPD Community Academy. All prospective volunteers may complete the volunteer application form. After completion of the Academy, the Volunteer Coordinator or the authorized designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to a traffic and criminal background check.

337.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position from the Volunteer Coordinator. Internships are coordinated through the Police Chief's Administrative Assistant. No volunteer or intern should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement, which includes a code of conduct and confidentiality agreement. Volunteers and interns shall also sign a contract that sets forth the criteria for an unpaid volunteer/intern position. The Volunteer Coordinator will review the handbook with the volunteer and a photograph identification badge will be issued.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

337.2.5 TRAINING

Volunteers are required to attend the Community Academy. Volunteers will be acquainted with the department, including personnel, and policies and procedures that have a direct impact on

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their work assignment. Additional information will be provided in the initial interview with the Coordinator.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers. This is specifically addressed in the code of conduct.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

337.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when their judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to the Volunteer Coordinator any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

337.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties. Guidelines for dress are outlined in the Volunteer Handbook.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while they are off duty. All volunteers are required to wear a department-issued photo identification.

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Volunteers shall be required to return any issued uniform or department property at the termination of service.

337.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

337.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a confidentiality agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

337.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty.

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Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

337.5.1 VEHICLE USE

Volunteers assigned to duties that require the use of a vehicle shall:

- (a) Possess a valid Oregon Driver License.
- (b) Obey all rules of the road, including seat belt requirements when operating and/or riding in a Department vehicle. Smoking is prohibited in all Department vehicles.
- (c) Not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service.
- (d) Volunteers are not authorized to operate a Department vehicle Code-3.

337.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete the Law Enforcement Data System (LEDS) and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and LEDS training is provided for volunteers whenever necessary.

337.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear their name which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

337.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

337.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator.

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337.8 WORKER'S COMPENSATION INSURANCE

In accordance with ORS 656.031, the City of Beaverton provides Worker's Compensation coverage for Beaverton Police Department volunteers. The benefits are coordinated through the Human Resources Department's Risk and Safety Officer.

Off-Duty Law Enforcement Actions

338.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Beaverton Police Department with respect to taking law enforcement action while off-duty.

338.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that they reasonably believe poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

338.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms and Qualification Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

338.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

Off-Duty Law Enforcement Actions

- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

338.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer shall loudly and repeatedly identify themselves as a police officer until acknowledged. Official identification should also be displayed.

338.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

338.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

338.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case they need to maintain an undercover capability.

338.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the on-duty supervisor as soon as practicable. The on-duty supervisor shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Department Use of Social Media

339.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

339.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

339.2 POLICY

The Beaverton Police Department may use social media as a method of effectively informing and interacting with the public about department services, issues, investigations, promoting community events, community outreach, and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

339.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or designated public information officers may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

Department Use of Social Media

339.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.
- (i) Images that promote positive community outreach.

339.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or an authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

339.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Beaverton Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that they believe is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

Department Use of Social Media

339.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public. Public "posting" applies to the introduction of new material and/or content on BPD's social media, not comments made by the public to BPD's material.

The Department may provide a method for members of the public to contact department members directly.

339.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

339.7 RETENTION OF RECORDS

The Administrative Captain should work with the Police Records Manager to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

339.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Native American Graves Protection and Repatriation

340.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

340.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

340.2 POLICY

It is the policy of the Beaverton Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

340.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Native American Graves Protection and Repatriation

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Oregon State Police, State Historical Preservation Officer, appropriate Indian tribe and the Commission on Indian Services (ORS 97.745)
- Tribal land - Responsible Indian tribal official

340.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

Community Relations

341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy
- Limited English Proficiency Services Policy
- Communications with Persons with Disabilities Policy
- Chaplains Policy
- Patrol Function Policy
- Suspicious Activity Reporting Policy

341.2 POLICY

It is the policy of the Beaverton Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

341.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and WCCCA of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform WCCCA of their location and status during the foot patrol.

341.4 COMMUNITY RELATIONS COORDINATOR

The Community Engagement Team Lieutenant will serve as the community relations coordinator. The CET Lieutenant reports directly to the Services Division Captain and is responsible for:

- (a) Obtaining department-approved training related to their responsibilities.

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- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the department's relationship with the community.
- (d) Working with community groups, department members and other community resources to:
 - 1. Identify and solve public safety problems within the community.
 - 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (e) Working with the Patrol Division Captain to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (f) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (g) Attending City council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

341.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and department members to be conducted every two years to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Department
- (b) Overall competence of department members
- (c) Attitude and behavior of department members
- (d) Level of community trust in the Department
- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

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341.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) Youth Services officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

341.7 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

341.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools
- (e) Scenario/Simulation exercises with community member participation.
- (f) Youth internships at the Department.
- (g) Community and student academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make

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a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

341.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as Community academies.

341.10 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

341.11 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Extreme Risk Protection Orders

342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving extreme risk protection orders and accounting for the deadly weapons obtained pursuant to those orders.

342.1.1 DEFINITIONS

Definitions related to this policy include (ORS 166.525):

Deadly weapon - A firearm, whether loaded or unloaded, or any other instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury.

Extreme risk protection order (ERPO) - An order prohibiting a named person from having in their custody or control, owning, purchasing, possessing, receiving, or attempting to purchase or receive a deadly weapon.

Petitioner - The person or agency who files papers to start a civil action; also called plaintiff.

Respondent - The person whom a civil action is sought against.

342.2 POLICY

It is the policy of the Beaverton Police Department to petition for and serve extreme risk protection orders in compliance with state law, and to properly account for deadly weapons obtained by the Department pursuant to such orders.

342.3 EXTREME RISK PROTECTION ORDERS

A family or household member or an officer who reasonably believes a person presents an imminent risk of suicide or causing physical injury to another person may petition the court for an extreme risk protection order. An officer should request permission from their supervisor to file the petition. The petition must be supported by a written affidavit signed under oath or by a sworn oral statement and is in effect for twelve (12) months from the date of service (ORS 166.527).

342.4 SERVICE

The respondent shall be personally served with a copy of the extreme risk protection order and a hearing request form by the sheriff's office, a member of this department, or a qualified individual. The server of the order will immediately deliver to the county sheriff a true copy of proof of service and a copy of the order (ORS 166.527).

The county sheriff is responsible for entering the order into the state's Law Enforcement Data Systems (LEDS) with a request that the order be entered in the National Crime Information Center (NCIC). Entry into LEDS constitutes notice to all law enforcement agencies of the existence of the order, which is enforceable throughout the state (ORS 166.527).

Extreme Risk Protection Orders

If service of the order by the department has been requested and cannot be completed within 10 days, the officer shall forward the order to the county sheriff's office civil division for delivery and notify the petitioner at the address they provided. If the officer is the petitioner and service is not made, the order shall be held for future service and the officer should file notice with the court showing service was not completed (ORS 166.527).

342.5 RECORDS MANAGER RESPONSIBILITIES

The Records Manager is responsible for ensuring that the original receipt of surrendered deadly weapons and concealed handgun license is filed with the court within 72 hours of service of an extreme risk protection order. A copy of the receipt shall also be properly maintained by the Department (ORS 166.537).

342.6 SURRENDER OF DEADLY WEAPONS AND HANDGUN LICENSE

The officer serving an extreme risk protection order shall advise the respondent they are required to surrender all deadly weapons in their custody, control or possession along with any concealed handgun license issued to them within 24 hours. If the respondent chooses to surrender weapons or a concealed handgun license at that time, the officer shall take custody of any weapons or license surrendered.

A receipt identifying all surrendered items shall be prepared by the officer and a copy given to the person. The officer shall ensure the original property receipt is forwarded through the Record's Division to the Circuit Court to be filed with the original order.

All deadly weapons collected shall be handled and booked in accordance with the Property and Evidence Policy.

342.7 COURT-ORDERED SURRENDER OF DEADLY WEAPONS

Authorized members should accept deadly weapons and a concealed handgun license from any person who is the subject of an extreme risk protection order. The member receiving any such items shall issue a receipt identifying all surrendered items, in addition to following other relevant Department procedures (ORS 166.537).

342.8 INVESTIGATIONS/SEARCH WARRANTS

If a person who has been served with an extreme risk protection order refuses to surrender any deadly weapons, the officer may consider whether to conduct a criminal investigation of contempt of court (Class A Misdemeanor) and seek a search warrant.

342.9 RELEASE OF DEADLY WEAPONS

Any deadly weapon or concealed handgun license in Department custody pursuant to an extreme risk protection order will be released only as authorized by ORS 166.540 and applicable provisions of the Property and Evidence Policy.

Extreme Risk Protection Orders

342.10 RENEWAL OF EXTREME RISK PROTECTION ORDER

After writing a report regarding an issuance of an ERPO, the primary officer will notify the Record's Division and request a PSNet "Firearms Restriction" flag record be entered for the individual.

Records will set a nine (9) month expiry date. Upon the expiration date, the Criminal Investigations Division supervisors will be notified via an automated PSNet email. CID supervisors will then advise the patrol sergeants of the orders' pending expiration and the patrol sergeant will make a determination whether or not to request a renewal of the ERPO. (ORS 166.535)

Public Safety Video Camera Program

343.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video cameras, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video camera systems operated by the Department. It does not apply to body-worn cameras, interview room recording systems, mobile audio/video systems, covert audio/video systems, or any other image-capturing devices used by the Department.

343.2 POLICY

The Beaverton Police Department operates a public safety video camera program to complement anti-crime strategies, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime; to help safeguard against potential threats to the public; to help manage emergency response situations during natural and man-made disasters, and to assist City officials in providing services to the community.

The use of video cameras in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

343.3 OPERATIONAL GUIDELINES

Only department-approved video camera equipment shall be utilized. Members authorized to monitor video camera equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Community Services Division Lieutenant serves as the program manager. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video camera technology and may consult with and be guided by legal counsel as necessary in making such determinations.

343.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video camera plan. As appropriate, the Chief of Police or the authorized designee may confer with other affected City divisions when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video camera program may be useful for the following purposes:

- (a) To prevent, deter and identify criminal activity.
- (b) To target identified areas of gang and narcotics complaints or activity.

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- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending and prosecuting offenders.
- (e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.
- (h) To monitor special events for security purposes.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to department-approved electronic devices, computer monitors, and/or department-issued smartphones. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. A patrol sergeant or other authorized trained personnel may adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police or the authorized designee may authorize video feeds from the public safety video camera system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

343.3.2 CAMERA MARKINGS

All public areas monitored by public safety camera equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the cameras are in use by the Police Department.

343.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video camera system with other technology to enhance available information. Systems such as incident mapping, crime analysis, and other analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

343.4 VIDEO SUPERVISION

The program manager should monitor video camera access and usage to ensure members are within department policy and applicable laws.

Public Safety Video Camera Program

343.4.1 VIDEO LOG

The program manager shall maintain a log to document camera locations, personnel given access to view and/or control cameras, video downloads, and relative incident/case numbers.

343.4.2 PROHIBITED ACTIVITY

Public safety video camera systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video camera equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as to race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video camera equipment shall not be used to harass, intimidate or discriminate against any individual or group. Improper use of the public safety video camera system will be investigated and violations will be subject to discipline outlined in the Conduct Policy.

343.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video camera technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings shall be stored and retained in accordance with the established records retention schedule.

343.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

343.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video camera equipment are for the official use of the Beaverton Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the program manager for release in accordance with a specific and legitimate law enforcement purpose.

Public Safety Video Camera Program

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

343.7 ANNUAL ANALYSIS

An evaluation of the Public Safety Video Camera Program shall be conducted annually by the program manager. The evaluation should include an analysis of the cost, benefit, and effectiveness of the program, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline, or policy. The report will be forwarded through the chain of command to the Chief of Police by January 31 of the following year.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee. Any recommendations for training or policy should be promptly addressed.

343.8 TRAINING

All department members authorized to operate or access public video camera systems shall receive appropriate training. The training will be conducted by the program manager and should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Comprehensive Event Reviews

344.1 PURPOSE AND SCOPE

This policy provides guidance for comprehensive event reviews of critical incidents. The reviews are meant to provide an assessment of operational and strategic issues of specific events to validate best practices, identify opportunities for improvement, and ensure consistency in department processes.

The "critical incidents" term referenced in this policy are events that include but are not limited to all officer-involved shootings; events resulting in the serious injury or death of any party; any other extraordinary event, or any other event requested by the Chief of Police or authorized designee. Any supervisor or higher-ranking BPD member may direct the completion of a comprehensive event review.

This review process shall be in addition to any other review or investigation conducted by any outside or multi-agency entity having jurisdiction over the investigation, and/or any other reviews or debriefs required by this policy manual.

344.2 POLICY

The Beaverton Police Department objectively reviews actions of members who are involved in critical incidents to ensure consistency in operational processes, identification of strategic issues, and to promote transparency.

344.3 COMMAND RESPONSIBILITIES

A designated member of command staff shall conduct a comprehensive event review. The review should include the following:

- (a) Overview of event
 - 1. Summary of the event which may include CAD calls, dispatch recordings and relevant timelines of the event.
- (b) Summary of other reviews completed and/or status of information
 - 1. (i.e., Use of Force Review Board recommendations, Major Crimes Team investigation, Administrative investigation, SB 111 requirements, Training Committee recommendations).
- (c) Policy and Procedure
 - 1. Were relevant policies and procedures clear and sufficient?
- (d) Supervision
 - 1. Was appropriate and sufficient supervision present?
- (e) Training
 - 1. Were there any identified training deficiencies or opportunities for additional training individually or organizationally?

Comprehensive Event Reviews

- (f) Equipment
 - 1. Did equipment function as intended? Any recommendations regarding equipment type or operational use?
- (g) Personnel
 - 1. Does the department provide sufficient personnel policies and resources to meet the needs of employees involved in these circumstances?
- (h) Communications
 - 1. Were communications effective?
- (i) Additional Information (if applicable).

In the event the comprehensive event review discovers an alleged violation of department policy, the facts and circumstances shall be brought to the attention of the involved employee's division captain. The continuance or pausing of the comprehensive event review will be determined on a case-by-case basis.

Generally, the reviews will be completed within three months of the event, however they may be delayed to avoid interfering with criminal investigations or major crimes team investigations. The completed report shall be routed to the Chief of Police via the chain of command.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of the Beaverton Police Department, respond to community calls for service, act as a deterrent to crime, enforce local ordinances as well as state laws, and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and crashes, the maintenance of public order, and the discovery of hazardous situations or conditions, and alleviation to the extent reasonable.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community policing activities such as community assists and individual community member contacts.
- (g) The sharing of information between the Patrol and other divisions within the Department, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by community policing and problem solving strategies.
- (i) Traffic direction and control when necessary.

400.1.2 TERRORISM

It is the goal of the BPD to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor and the Intelligence Detective as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Patrol Lieutenant in a timely fashion to be distributed via chain of command.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Beaverton Police Department.

Patrol Function

400.2.1 CRIME ANALYSIS UNIT

The Crime Analyst and/or Intelligence Detective will be the central unit for information exchange. Criminal information and intelligence reports can be submitted within the Department through daily and special bulletins.

400.2.2 CRIME REPORTS

A crime report should be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate division or law enforcement agency for retention and/or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should enforce applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Beaverton Police Department's commitment to policing that is fair and objective (ORS 131.920).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

See the Personnel Complaints Policy regarding acceptance of complaints alleging profiling and investigation of such complaints.

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, color, national origin, language, religion, sex, sexual orientation, gender identity or expression, economic status, homelessness, age, cultural group, disability, political affiliation or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes profiling as defined by ORS 131.915.

401.2 POLICY

The Beaverton Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform their duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

Bias-Based Policing

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC AND PEDESTRIAN STOPS

Each time an officer makes an officer-initiated traffic or pedestrian stop, the officer shall record the required stop data in the method and manner prescribed by the Oregon Criminal Justice Commission (OCJC) ORS 131.935, including:

- (a) The reason for the stop or other contact.
- (b) The officer's perception of the race, color or national origin of the individual involved in the contact.
- (c) The individual's gender.
- (d) The individual's age.
- (e) Whether a search was conducted in connection with the contact and, if so, what resulted from the search.
- (f) The disposition of the enforcement action, if any, resulting from the contact.
- (g) Additional data as recommended by the Law Enforcement Contacts Policy and Data Review Committee (LECC).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and their supervisor in a timely manner.
- (b) Supervisors should periodically review available resources used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

Bias-Based Policing

401.6 STATE REPORTING

401.6.1 STATE REPORTING TO LAW ENFORCEMENT CONTACTS POLICY AND DATA REVIEW COMMITTEE

The Investigations Division Captain shall annually provide Law Enforcement Contacts Policy and Data Review Committee (LECC) the following (ORS 131.925):

- (a) Copies of profiling complaints received by the Department.
- (b) A summary of each profiling complaint received by the Department and the final disposition of the profiling complaint on the appropriate Department of State Police (DSP) form.
 - (a) This form is to be submitted even if no profiling complaints were received by the Department.
 - (b) The report shall be submitted no later than January 31.

Summaries of complaints and copies of complaints provided to LECC may not include personal information concerning the complainant or an officer except as to any personal information on the DSP form (ORS 131.925).

The Investigations Division Captain should provide LECC, upon request, data regarding stops or contacts as identified in ORS 131.906(5). Data provided may not identify an officer or an individual whose demographic data is collected (ORS 131.906).

401.6.2 STATE REPORTING TO OREGON CRIMINAL JUSTICE COMMISSION

The Police Records Manager shall ensure traffic and pedestrian stop data is provided annually to the Oregon Criminal Justice Commission as prescribed by ORS 131.935.

Data may not include information that reveals the identity of any stopped individual or of any officer (ORS 131.935).

401.7 ADMINISTRATION

The Investigations Division Captain shall review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complainant, community member, or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors shall review the annual report and discuss the results with those they are assigned to supervise.

401.8 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually as directed by the Training Sergeant.

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401.8.1 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

The Training Sergeant should ensure that officers receive training implemented by the Department of Public Safety Standards and Training regarding procedures to facilitate the collection of officer-initiated traffic and pedestrian stop data (ORS 131.935).

Briefing

402.1 PURPOSE AND SCOPE

This policy discusses the activity of briefing and includes the tasks that should be accomplished during this short period.

402.2 POLICY

Briefing is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

402.3 BRIEFING

All divisions and specialized units will conduct regular briefing to discuss, disseminate, and exchange information among department members, work groups, and other organizations. A supervisor generally will conduct briefing. However, the supervisor may delegate this responsibility to a subordinate member in the supervisor's absence or for training purposes.

Briefing should include but is not limited to:

- (a) Providing members with information regarding daily activities, with particular attention given to changes in the status of:
 - 1. Wanted persons.
 - 2. Crime patterns.
 - 3. Suspect descriptions.
 - 4. Intelligence reports and photographs.
 - 5. Community issues affecting law enforcement.
 - 6. Major investigations.
- (b) Notifying members of changes in schedules and assignments.
- (c) Reviewing recent incidents for situational awareness and training purposes.
- (d) Providing training on a variety of subjects.
- (e) Conducting periodic personnel inspections.

Supervisors should also ensure that all members are informed about Departmental Directives and any recent policy changes.

402.3.1 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records, as appropriate.

Briefing

402.4 PREPARATION OF MATERIALS

The supervisor conducting briefing training is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in the supervisor's absence or for training purposes.

402.5 TRAINING

Briefing training should incorporate short segments on a variety of subjects or topics and may include:

- (a) Review and discussion of new or updated policies.
- (b) Presentation and discussion of the proper application of existing policy to routine daily activities.
- (c) Presentation and discussion of the proper application of existing policy to unusual activities.
- (d) Review of recent incidents for training purposes.

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Beaverton Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until they are properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

Crime and Disaster Scene Integrity

403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 SUPPORT SERVICES CAPTAIN RESPONSIBILITIES

The Support Services Captain is responsible for:

- (a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.
- (b) Establishing procedures for collecting, processing and preserving physical evidence in the field.
- (c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.
- (d) Establishing procedures for processing, developing, lifting and labeling fingerprints.
- (e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

403.7 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to execute and enforce lawful orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (ORS 433.156).

Ride-Alongs

404.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for community members to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

404.1.1 ELIGIBILITY

Participation in the department's ride-along program is limited to individuals who are 16 years of age or older (except Peer Court Volunteers, Police Cadets, and family members 13 years of age or older) and who are:

- (a) Employees or officials of the city, including reserves, chaplains, cadets, volunteers, victim advocate volunteers, and peer court volunteers, whose participation in the ride-along program arises out of and is in the course of their employment/ association with the city; or
- (b) Prospective employees of the department, including applicants to the reserve or cadet programs who have been approved by a reserve or cadet advisor; or
- (c) Invitee of the mayor or the department; or
- (d) Family member or significant other; or
- (e) Members of other criminal justice agencies; or
- (f) Members of the community attending the community academy.

404.1.2 AVAILABILITY

Requests to ride with a regular police officer shall be made at least 72 hours prior to the requested ride-along time. Requests require the approval of the supervisor. The shift supervisor may waive this requirement if schedules permit.

- (a) No probationary officer shall have a rider unless the employee is asked to take a rider by a supervisor.
- (b) A ride-along shall last a maximum of ten hours.
- (c) No person shall ride with any officer more than once in a thirty-day period, unless authorized by a command staff member.

404.2 PROCEDURE TO REQUEST A RIDE-ALONG

The participant will complete a Ride-Along Assumption of Risk and Hold Harmless Agreement. Information requested from unfamiliar individuals will include a valid ID or Oregon driver license, address, and telephone number. If the participant is under 18-years of age, a parent/guardian must be present to complete the Ride-Along Assumption of Risk and Hold Harmless Agreement.

The following ride-along participants are not required to sign the Department's Ride-Along Assumption of Risk and Hold Harmless Agreement:

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- (a) A Beaverton Police Department Reserve Officer or Police Cadet.
- (b) A City of Beaverton employee or official whose participation in the ride-along program is work-related.
- (c) A member of another criminal justice agency who has been assigned by their employer to work with the Beaverton Police Department.
- (d) Victim Advocates who have a completed and signed Ride-Along Assumption of Risk and Hold Harmless Agreement on file.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise them of the denial.

404.2.1 SUPERVISORY RESPONSIBILITIES

Eligibility of prospective riders shall be reviewed by the shift supervisor. Additionally, the supervisor shall consider the following factors in determining whether to permit a person to ride with an officer:

- (a) **ATTIRE.** The rider must be dressed in a professional manner. Casual clothing, including shorts, jeans, tank or halter tops, tennis shoes, baseball caps, and short skirts, are not permitted. High heels and open-toed shoes are discouraged for safety purposes.
- (b) **INTOXICATION.** Anyone who has, or who appears to have, recently consumed alcoholic beverages or intoxicating drugs is prohibited from riding with a police officer.
- (c) **WEAPONS.** Unless the rider is a sworn member of this department or another agency, riders are prohibited from carrying any weapons while participating in the ride-along program.
- (d) **SECURITY RISKS.** Riders should not have a history of criminal conduct or in any way be considered a security risk. A background check of the rider may be conducted if the supervisor or other departmental employee is unfamiliar with the prospective rider. Permission to run a security check should be requested from the prospective rider. If the permission is withheld, the shift supervisor may deny the request to ride-along.
- (e) **OPERATIONAL DEMANDS.** Usually, no more than two patrol cars per shift (not including Reserves and Cadets) should be occupied by a ride-along rider at any one time.
- (f) **SAFETY RISKS.** All participants must be given copies of the Department's rules and regulations for ride-alongs and be asked to read and obey them.
- (g) **IDENTIFICATION.** Riders shall wear a department supplied identification sticker. Police officers carrying police identification are exempt.

404.2.2 THE RIDE-ALONG

All riders are considered guests of the department, and should act and be treated accordingly.

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- (a) **PAYMENT.** No rider who is a guest passenger shall offer payment of any kind to solicit the privilege of participating in the ride-along program.
- (b) **BRIEFINGS.** Because of the sensitivity of information exchanged, the attendance of riders at patrol briefings shall be at the discretion of the shift supervisor.
- (c) **ASSIGNED OFFICER'S RESPONSIBILITIES.** The protection of the rider from danger is a major responsibility of the assigned officer. Riders shall be assigned to officers by the supervisor. The assigned officer shall weigh situations for potential hazards when responding to calls. Riders are not to be exposed to situations known to involve extraordinary danger or extreme hazards (e.g., person with a gun). In such extra-hazardous situations, a rider shall be let out of the vehicle a safe distance away from the scene or the rider shall be told to remain in the patrol vehicle once at the scene. If the rider is let out, the driver shall notify the shift supervisor where the rider was let out. The shift supervisor is then responsible for coordinating alternative transportation for the rider when practical to do so.
- (d) **TRANSFERS OF RIDERS.** An officer with a rider shall notify the shift supervisor of a transfer of a rider to another officer. The on-duty supervisor shall notify an oncoming supervisor of the transfer if the rider extends into an oncoming shift.
- (e) **RIDER'S RESPONSIBILITIES.** A rider is an observer, who is to avoid participating or becoming involved in police work, unless otherwise directed. Unless the rider is a department reserve officer or cadet, a rider is prohibited from:
 - 1. Operating a patrol vehicle or any other departmental equipment.
 - 2. Acting as an agent for the Department or otherwise perform any police-related duty.
 - 3. Approaching any vehicle on a traffic stop or approaching any residence, building, or other situation where the potential for violence exists or a crime is in progress, unless directed otherwise by the assigned officer.
 - 4. Entering any crime scene of a serious nature (such as a homicide) and/or touching, possessing, tampering with, or otherwise having contact with any evidence, unless directed otherwise by the assigned officer.
 - 5. Entering any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other community member.
 - 6. Entering a private residence with an officer without the expressed consent of the resident or other authorized person in control of the premises.
 - 7. Entering any medical or mental health facility where the subject of an incident is being treated.
 - 8. Failing to follow the directions of the officer or supervisor to which they are assigned.
 - 9. Getting involved in any investigation and/or having discussions with victims or suspects.
 - 10. Interfering with any investigation or police operations.

Ride-Alongs

404.3 MISCELLANEOUS ITEMS

EARLY TERMINATION OF A RIDE-ALONG. A shift supervisor may terminate a ride-along for any reason at any time. An officer may request a shift supervisor to terminate a ride-along or to transfer a rider to another officer. The shift supervisor normally should explain to the rider the reason for terminating a ride-along.

UPON COMPLETION OF A RIDE-ALONG. Upon completion of the ride-along, the assigned officer shall notify the shift supervisor when the ride-along was completed and may provide any appropriate comments regarding the ride-along experience.

RECORDS RETENTION. Complete and accurate records of documents relating to all ride-along requests and participants, which apply to liability releases, will be maintained for a period designated by OAR.

Hazardous Material Response

405.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. The following is to be the policy of this department.

405.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed. See Oregon Revised Statutes 453.005(7) for a complete list.

405.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, illegal drug lab, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and community members.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from person transporting).
- (b) Notify Fire Department.
- (c) Advise dispatch of preferred or safe ingress and egress routes for first responders based upon direction of spillage or plume if necessary.
- (d) Notify supervisor and/or Patrol Lieutenant if no supervisor is on-site.
- (e) Provide first-aid for injured parties if it can be done safely and without contamination.
- (f) Begin evacuation of immediate area and surrounding areas dependent on substance.

405.2.1 CLANDESTINE DRUG LABORATORIES

Illegal drug laboratories can pose serious health, fire, and explosion hazards. The utmost of caution is necessary to any member responding to a report of, or locating a suspected laboratory. Usually abandoned, you will generally have to depend on information received from the dispatcher or complainant, smell emitting from the scene, and/or labeling of containers in the area. These factors should alert a responding officer that a serious health and safety hazard might be present.

- (a) Clear the scene of bystanders and establish a secure perimeter.
- (b) Notify dispatch that you have a "possible drug lab" and request the fire department be dispatched.
- (c) Notify your patrol supervisor immediately and keep the scene secure until the arrival of the fire department.

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- (d) The responding supervisor, after confirmation of a drug lab, will notify the Westside Interagency Narcotic (WIN) Team and a Patrol Lieutenant who will notify appropriate command staff. The Chief of Police or authorized designee must approve financial commitments for costs of clean up.
- (e) The Hazardous Material Response Team from Tualatin Valley Fire and Rescue will be responsible for necessary decontamination.
- (f) All police department supervisors will take reasonable precautions to protect department personnel from known or suspected health hazards.

405.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented on the appropriate exposure report and forwarded via chain of command to the Division Captain. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the exposure report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

405.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, they shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

Safety items not maintained by the Department may be obtained through the Fire Department.

The employee (or the employee's supervisor if the employee is unable), will complete a Workers Compensation form if an injury is diagnosed Oregon Revised Statutes 656.265. If an injury is not apparent but exposure to a hazardous substance is possible, the employee will complete an incident report indicating the circumstances of the event and the potential of an exposure.

Civil Commitments

408.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (ORS 426.228).

408.2 POLICY

It is the policy of the Beaverton Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

408.3 AUTHORITY

An officer may take a person into custody when the officer has probable cause to believe the person is dangerous to themselves or to any other person and is in need of immediate care, custody or treatment for mental illness (ORS 426.228(1)).

An officer shall also take a person into custody at the direction of the community mental health program director when the director has probable cause to believe the person is imminently dangerous to themselves or to another person. The director is mandated to prepare a report for the officer to deliver to the treating physician or licensed independent practitioner (ORS 426.228(2)).

The officer shall transport the person in custody to the nearest facility approved by the Oregon Health Authority (OHA) or will transfer custody of the person to a mental health representative authorized under ORS 426.233(3).

If, upon delivery of the person to the facility, the physician or licensed independent practitioner finds the person is not in need of emergency care or treatment for mental illness, the person is to be released from custody. The officer or the program director shall return the person to the place where they were taken into custody, unless the person declines that service.

408.3.1 EXTREMELY DANGEROUS PERSONS

An officer may take into custody an individual on conditional release from a state hospital pursuant to an order of revocation. The written order does not have to be in the possession of the officer, and may be confirmed through the Law Enforcement Data System (LEDS) (OAR 859-200-0310).

A person may be taken into custody if all of the following conditions apply (OAR 859-200-0305):

- (a) An officer has reasonable cause to believe the individual is an extremely dangerous person with a mental illness (as defined by OAR 859-200-0020)
- (b) The person presents a serious danger to others because of a mental disorder
- (c) The person is in need of immediate care, custody or treatment
- (d) The person has been civilly committed to the jurisdiction of the Psychiatric Security Review Board by a court

The officer shall transport the individual to a hospital approved by the Oregon Health Authority (OAR 859-200-0310).

Civil Commitments

408.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who does not qualify for a civil commitment should consider, as time and circumstances reasonably permit the availability of:

- (a) The Washington County Mental Health Response Team.
- (b) Crisis Intervention Team (CIT).
- (c) Available community or other resources to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

408.4.1 FOREIGN NATIONALS

If an officer takes a person into custody for a civil commitment and reasonably suspects that the person is a foreign national, the officer shall inform the person of their right to communicate with an official from the consulate of the person's country (ORS 426.228(9)).

408.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting officer should have WCCCA notify the receiving facility if the individual is uncooperative and whether any special medical care is needed.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Supervisor notification is required before transport commences.

408.5.1 CLEARANCE REQUIRED

If transportation to an appropriate facility will require more than one hour to accomplish, the transporting officer must obtain, if possible, medical clearance from an attending physician or licensed independent practitioner who has examined the person within the last 24 hours who certifies that the person is in need of immediate care or treatment for mental illness and that travel will not be detrimental to the person's physical health (ORS 426.228(3)).

408.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the officer should provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

Civil Commitments

408.7 DOCUMENTATION

The officer shall complete the required form, provide it to the facility staff member assigned to the individual and retain a copy of the form for inclusion in the case report. The police report shall state the reason for the custody and the date, time and place the person was taken into custody.

408.7.1 REQUIREMENTS

Officers shall use OHA form MHD 426.228 or otherwise ensure that the report states (ORS 426.228):

- (a) The reason for custody.
- (b) The date, time and place the person was taken into custody.
- (c) The name and telephone number of the community mental health director.

408.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken for a civil commitment should resolve the criminal matter by issuing a citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.

In the supervisor's judgment, the individual may instead be arrested or taken into custody and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the danger to the victim and public, potential flight risk, the treatment options available, the ability of this department to regain custody of the individual, available department resources (e.g., posting a guard), and other relevant factors in making this decision.

408.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

A search warrant may be needed before seizing weapons or entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent).

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

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Civil Commitments

408.10 TRAINING

This department will provide department-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.

Citation Releases

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Beaverton Police Department with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

409.2 POLICY

The Beaverton Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

409.3 RELEASE

A suspected offender may be released on issuance of a criminal citation if the officer has probable cause to believe that the person has committed a misdemeanor or has committed any felony that is subject to misdemeanor treatment under ORS 161.705 (reduction of certain felonies to misdemeanors) (ORS 133.055).

409.3.1 CITATION RELEASES ON WARRANTS

If the offense is not excluded under ORS 133.055, the court may authorize an officer to issue and serve a criminal citation in lieu of arrest (ORS 133.110).

409.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when:

- (a) The officer has probable cause to believe that the person has been served a valid restraining order as described in ORS 133.310 (orders relating to stalking, elder and disability abuse, sexual abuse) and the person has violated the terms of the order (ORS 133.310).
- (b) The officer has probable cause to believe that the person has been charged with an offense under ORS 135.230 through ORS 135.290 (sexual offenses, domestic violence, methamphetamine crimes), and is presently released and has failed to comply with a no contact condition to the release agreement (ORS 133.310).
- (c) The person arrested is so intoxicated that they could be a danger to themselves or to others (release may occur as soon as this condition no longer exists).
 - (a) Any officer encountering a person who is intoxicated or under the influence of controlled substances in a public place and who is incapacitated, whose health appears to be in immediate danger, or there is reasonable cause to believe the person is dangerous to themselves or to any other person, shall transport the individual to the nearest appropriate treatment facility or sobering facility (ORS 430.399).

See the Domestic Violence Policy for release restrictions related to those investigations.

Citation Releases

409.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.
- (g) Whether the cite and release is in accordance with Beaverton Municipal Court Order Revising Release Program and Security Amounts in Criminal Cases.

Foreign Diplomatic and Consular Representatives

410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Beaverton Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

410.2 POLICY

The Beaverton Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

410.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that their claim will be investigated and they may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

Foreign Diplomatic and Consular Representatives

410.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers

410.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

410.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No note b	No	Yes	No	No	Same as sponsor full immunity and inviolability
Member of Admin and Tech Staff	No note b	No	Yes	No	No	Same as sponsor full immunity and inviolability
Service Staff	Yes note a	Yes	Yes	Yes	No for official acts. Yes otherwise	No immunity or inviolability note a
Career Consul Officer	Yes if for a felony and pursuant to a warrant, note a	Yes, note d	Yes	No for official acts. Testimony may not be compelled in any case	No for official acts, yes otherwise, note a	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts, yes otherwise	No for official acts, yes otherwise	No immunity or inviolability note a
Consulate Employee	Yes, note a	Yes	Yes	No for official acts, yes otherwise	No for official acts, yes otherwise, note a	No immunity or inviolability, note a
Int'l Org Staff, note b	Yes, note c	Yes, note c	Yes	Yes, note c	No for official acts, yes otherwise, note c	No immunity or inviolability
Diplomatic Level staff of Missions to Int'l Org	No, note b	No	Yes	No	No	Same as sponsor full immunity and inviolability
Support Staff of Mission to Int'l Org	Yes	Yes	Yes	Yes	No for official acts, yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

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Foreign Diplomatic and Consular Representatives

- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Beaverton Police Department relating to immigration and interacting with federal immigration officials.

413.2 POLICY

It is the policy of the Beaverton Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

413.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Oregon constitutions.

413.4 DETENTIONS

This department does not participate in routine immigration investigation and enforcement activities (ORS 181A.820).

An officer shall not detain any individual, for any length of time, whose only violation of law is a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released shall continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, they may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

Immigration Violations

An officer may arrest any person who is the subject of an arrest warrant issued by a federal magistrate for a criminal violation of federal immigration laws (ORS 181A.820).

An officer should notify a supervisor as soon as practicable whenever an individual is being detained or arrested for a criminal immigration violation.

413.4.1 IMMIGRATION INQUIRIES PROHIBITED

An officer shall not inquire into an individual's immigration status, citizenship status, or country of birth except where allowed by law (ORS 181A.823).

413.4.2 INDIVIDUAL RIGHT NOTIFICATION

To ensure compliance with all treaty obligations, including consular notification and state and federal laws, an officer should ensure individuals who are detained receive an explanation in writing, with interpretation into another language if requested, of the following (ORS 181A.823):

- (a) The individual's right to refuse to disclose the individual's nationality, citizenship, or immigration status.
- (b) That the disclosure of the individual's nationality, citizenship, or immigration status may result in a civil or criminal immigration enforcement, including removal from the United States.

413.4.3 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

413.5 FEDERAL ADMINISTRATIVE WARRANTS

Occasionally, while conducting patrol operations, records checks may reveal Federal Administrative Warrants, which are identified in the body of a NCIC record as "Administrative Warrant." The NCIC record may also indicate the details as "Immigration Violation." Personnel are not authorized to take individuals into custody or extend the duration of detention or contact on the sole basis of these Federal Administrative Warrants.

413.6 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

Immigration Violations

413.7 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services (unrelated to immigration enforcement), such as peacekeeping efforts (ORS 181A.826).

413.7.1 FEDERAL IMMIGRATION ENFORCEMENT REQUESTS AND DOCUMENTATION

Any requests from federal immigration officials for assistance relating to immigration enforcement (other than a judicial subpoena) shall be declined and the communication or request shall be documented. The documentation shall be forwarded to the Chief of Police or the authorized designee. The Chief of Police or the authorized designee should ensure the documentation is forwarded to the Oregon Criminal Justice Commission (OCJC) as prescribed by the OCJC (ORS 181A.826).

413.8 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; ORS 181A.823):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under Oregon State Law.

413.8.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

413.8.2 NON-DISCLOSURE OF CERTAIN INFORMATION

Except as required by state or federal law, members should not disclose for the purpose of enforcement of federal immigration laws the following information about a person or their known relatives or associates, whether current or otherwise (ORS 180.805):

- (a) The person's address
- (b) The person's workplace or hours of work
- (c) The person's school or school hours
- (d) The person's contact information, including telephone number, email address, or social media account information
- (e) The identity of known associates or relatives of the person

Immigration Violations

- (f) The date, time, or location of a person's hearings, proceedings, or appointments with the Department that are not matters of public record

413.9 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

A declaration/certification for a U visa/T visa from the U.S. Citizenship and Immigration Services may be completed on U.S. DHS Form I-918 or I-914 by an applicant or their designee and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U visa/T visa to be issued.

- (a) Any request for assistance in applying for U visa or T visa status shall be promptly forwarded to the Criminal Investigations Division (CID).
 - (a) The CID Detective Sergeant will review the request and the case associated with the request to determine if the U visa and T visa requirements have been met.
 - (b) CID will check with the District Attorney's Office to determine the status of the case associated and requestor. CID will forward U visa/T visa requests to the District Attorney's Office for processing if any associated case is currently pending or had been previously charged by the District Attorney's Office. Cases involving U visa/T visa requests that were never referred to the District Attorney's Office or was "no complained" by the District Attorney's Office will be processed by CID.
 - (c) The CID Detective Sergeant will make a recommendation to the Chief of Police to either certify or decline to certify the U nonimmigrant status (U visa/T visa), Form I-918 or I-914, Supplement B, Law Enforcement Certification. The paperwork will then be submitted to the Chief of Police.
 - (d) The Chief of Police is the only person within the Beaverton Police Department who is considered a certifying official and is therefore authorized to certify or decline to certify the U nonimmigrant status (U visa/T visa), Form I-918 or I-914, Supplement B, Law Enforcement.
 - (e) The Chief of Police will review the request and the case and will request additional information if desired. The Chief of Police will make the decision to certify or decline to certify the U nonimmigrant status (U visa/T visa), Form I-918 or I-914, Supplement B, Law Enforcement Certification, and will sign the appropriate paperwork.
 - (a) CID will send the original signed paperwork to the attorney, community immigration agency, or individual victim requesting the U nonimmigrant status (U visa/T visa), Form I-918 or I-914, Supplement B, and Law Enforcement Certification.
 - (b) Copies of the signed paperwork will be filed in PSNet and maintained in CID.

Immigration Violations

- (f) CID will create a new case number and complete an Incident Report regarding the Chief of Police's decision to certify or decline to certify the U nonimmigrant status (U visa/T visa), Form I-918 or I-914, Supplement B, Law Enforcement Certification. All U visa/T visa reports and supporting documents will be referred to the District Attorney's Office for informational purposes or for processing depending on the status of the case.
- (g) Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website at www.uscis.gov/portal/site/uscis.

413.9.1 DENIAL OF CERTIFICATION

If certification is denied, the Investigations Division supervisor shall inform the petitioner in writing regarding the reason for the denial as provided in ORS 147.620. A copy of the notice shall be kept for a minimum of three years and in accordance with the established records retention schedule (ORS 147.620).

413.9.2 TIME FRAME FOR COMPLETION

Except under circumstances where there is good cause for delay, the Investigations Division supervisor shall process the certification for the U visa or T visa within 90 days of the request, unless the victim is in federal immigration removal proceedings, in which case the certification shall be executed within 14 days after the request is received (ORS 147.620).

413.9.3 U VISA AND T VISA DOCUMENTATION

The Investigations Division supervisor shall collect written documentation regarding the number of certification forms that are (2019 Oregon Laws, c. 472, § 2):

- (a) Requested by a victim.
- (b) Granted.
- (c) Denied, with the reason for denial.

The Investigations Division supervisor or the authorized designee should ensure the information collected regarding certification forms is transmitted in a timely manner to the Records Manager for annual reporting to the Oregon Criminal Justice Commission.

413.10 TRAINING

The Training Sergeant should ensure officers receive annual training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Review of this policy.

Field Training and Evaluation Program

415.1 PURPOSE AND SCOPE

The Field Training and Evaluation Program (FTEP) is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Beaverton Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training and Evaluation Program that complies with DPSST training requirements and that is designed to prepare the new officer to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

415.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

415.3 FIELD TRAINING AND EVALUATION PROGRAM SUPERVISOR

The FTEP Coordinator will be a Senior Training Officer designated by the Training Division Sergeant. The responsibilities of the FTEP Coordinator include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conducting FTO meetings.
- (c) Maintain, update and issue the Field Training and Evaluation Program Manual to each trainee.
- (d) The Training Division Sergeant will monitor individual FTO performance and provide performance evaluations for the FTOs.
- (e) Monitor overall FTEP Program.
- (f) Maintain liaison with FTO Coordinators of other agencies.
- (g) Maintain liaison with academy staff on recruit performance during the academy.
- (h) Develop ongoing training for FTOs.

415.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Beaverton Police Department who is in Recruit Orientation or any Phase of FTEP.

415.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training and Evaluation Program, consisting of a minimum of 16 weeks.

Field Training and Evaluation Program

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training and Evaluation Program.

415.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training and Evaluation Program (FTEP) Manual at the beginning of Recruit Orientation. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Beaverton Police Department. The officer shall become knowledgeable of the subject matter as outlined. The officer shall also become proficient with those skills as set forth in the manual.

The FTEP Manual will specifically cover those policies, procedures, rules and regulations enacted by the Beaverton Police Department.

415.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

415.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation (Daily Observation Report) on the performance of their assigned trainee to the FTO program coordinator on a daily basis.
- (b) Review the Daily Observation Report (DORs) with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on their assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the FTEP Manual for their respective phase of training.

415.6.2 TRAINEE

At the completion of the Field Training and Evaluation Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training and Evaluation Program.

415.7 DOCUMENTATION

All documentation of the Field Training and Evaluation Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Observation Reports

Field Training and Evaluation Program

- (b) End of phase evaluations
- (c) The completed FTEP Manual

415.8 PERFORMANCE MANAGEMENT OF PROBATIONARY OFFICERS

- (a) While working under the direct supervision of a Field Training Officer, the performance management of probationary officers is the responsibility of the Training Division through the methods outlined in this policy.
 - 1. Once probationary officers are released to solo status (also identified as Phase V of FTEP), the performance management of probationary officers will remain with the Training Division for at least eight weeks. During this time period, solo status probationary officers will be assigned to mirror a Field Training Officer's schedule and will receive bi-weekly evaluations as part of the FTEP program.
- (b) Once the probationary officer completes Phase V, they will be assigned to a shift by a Patrol Lieutenant to meet staffing needs. Performance management of the probationary officer will then become the primary responsibility of the Patrol Division for the remainder of their probationary period.
- (c) In the unique circumstance a probationary officer is assigned to another division, that division will assume responsibility for performance management of the probationary officer.
- (d) In all cases, the Training Division shall be notified of performance or disciplinary matters involving probationary officers to assist in the identification of potential training deficiencies.
- (e) If a probationary officer is the subject of a minor formal complaint as defined in the Personnel Complaints Policy while assigned to the Training Division, resolution may be accomplished through documentation from the Training Division and/or the probationary officer's FTO.
 - Repeat instances of similar minor formal complaints may be recorded in the Professional Standards electronic files.
 - If a probationary officer is the subject of a regular complaint while assigned to the Training Division or the Patrol Division, it shall be processed in accordance with the Personnel Complaints Policy.

Obtaining Air Support and Tactical Flight Officers

416.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request. The policy also outlines the responsibilities of Tactical Flight Officers assigned to the Washington County Air Support Unit.

416.2 REQUEST FOR AIR SUPPORT

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

416.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Patrol Lieutenant, or the authorized designee, will call the closest agency having air support available. The Patrol Lieutenant on duty will apprise that agency of the specific details of the incident prompting the request.

416.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Air support may be requested under any of the following conditions:

- (a) When the air support is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the air support may reduce such hazard
- (c) When the use of the air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
- (d) When air support is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
- (e) Vehicle pursuits

While it is recognized the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

416.3 TACTICAL FLIGHT OFFICER

The Washington County Air Support Unit (ASU) specifies the responsibilities of Tactical Flight Officers (TFO's) through the Washington County ASU Standard Operating Procedures Manual.

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Obtaining Air Support and Tactical Flight Officers

Officers assigned as TFO's will follow protocol lined out in the Standard Operating Procedures Manual.

416.3.1 TFO RESPONSIBILITIES

The TFO shall:

- (a) Ensure the aircraft is properly outfitted with all equipment necessary to accomplish a given mission.
- (b) Monitor the police radios for calls that are serviceable by an aircraft.
- (c) Observe activity on the ground and report to the appropriate officer or unit.
- (d) Coordinate the tactical operation of the aircraft.
- (e) Prioritize police radio calls, and assist the pilot in navigating to those calls or tactical situations.
- (f) Operate all special equipment (FLIR, moving map, police radios, microwave downlink, or other mission equipment).
- (g) Communicate effectively with the Pilot in Command.

416.3.2 TFO TRAINING

The standards for all TFO training are provided in the Washington County Air Support Unit Training Manual. This manual contains detailed plans, procedures, and standards for implementing air support crewmember training.

- (a) TFOs will receive training at least two times per year.
- (b) New TFO's will complete an initial TFO training program and a 12 month probationary period.
- (c) Training will be coordinated through the ASU Training Officer, Chief Pilot, or Program Administrator.

416.3.3 CREW DUTY AND FLIGHT HOURS

- (a) When possible, crews should limit continuous flight time to a maximum of 5 hours.
- (b) TFO flight duty time is limited to 15 continuous hours. If the operation is approaching these limitations, the pilot and/or TFO will arrange for a second aircrew.
- (c) TFO awake time is limited to 15 continuous hours. If the operation is approaching these limitations, the pilot and/or TFO will arrange for a second aircrew and terminate the flight prior to the 15 hour limit. The awake time limit is defined as 15 hours from when the crew member woke up from their last full sleep cycle.

416.3.4 TFO AVAILABILITY

- (a) TFOs should be available for flights on a regular basis. It is expected when notified of a flight, the TFO will make a reasonable effort to be available for the flight.

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- (b) TFOs will provide notification to the chief pilot and/ or program administrator when they are unavailable for extended periods; such as vacations, injuries, medical grounding or other leaves.

Contacts and Temporary Detentions

417.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-downs, and the taking and disposition of photographs.

417.2 POLICY

The Beaverton Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

417.3 DEFINITIONS

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that their contact with the officer is voluntary.

Temporary Detention - Occurs when an officer through words, actions, or physical force causes an individual to reasonably believe they are being required to restrict their movement. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

Field Photographs- Field photographs are defined as posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Frisk - A peace officer may frisk a stopped person for dangerous or deadly weapons if the officer reasonably suspects that the person is armed and dangerous to the officer or other persons present. (ORS 131.625)

Reasonable Suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Stop - A temporary restraint of a person's liberty by a peace officer lawfully present in any place. (ORS 131.605 (7))

417.4 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable

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suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Beaverton Police Department to strengthen community involvement, community awareness, and problem identification.

417.4.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that they are part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that they are engaged in a criminal activity.
- (c) Presence in the area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggests they are carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

417.4.2 CONSENSUAL INTERVIEWS

An officer may speak to any community member provided they wish to continue to talk with the officer.

- (a) In these situations, the officer should ask to speak with the community member. If the person provides identification, the officer should write down appropriate identifiers and promptly return the identification to the person.

Officers should accept the community member might refuse to talk to the officer and refuse to identify themselves.

417.5 FRISK OR PAT-DOWNS

A frisk or pat-down of a stopped person may be conducted whenever an officer reasonably believes that the person may possess a dangerous or deadly weapon and presents a danger to the officer or other persons present (ORS 131.625). The purpose of this is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down include but are not limited to the following:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

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- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the pat-down.

417.6 FIELD PHOTOGRAPHS

The PSNet database should be searched before photographing any field detainee. All field photographs shall be processed in accordance with department policies regarding records creation, retention, and disposition.

Field photographing of juveniles must comply with current law ORS 419A.250. (Refer to the Temporary Custody of Juveniles Policy.)

417.7 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to their departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
 - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

In-Car Digital Video System

419.1 PURPOSE

The Beaverton Police Department (BPD) shall use an in-car digital video recording system when installed in police vehicles to assist with:

- Prosecuting violators.
- Collecting evidence.
- Enhancing officer safety.
- Addressing allegations of officer misconduct.
- Other department-approved uses.

419.2 POLICY

The purpose of this policy is to establish standards for the proper use and handling of the video recording equipment in police cars, the wireless transmitter/microphone, the lapel microphone, the video system software, and the video files created by the system. The policies and procedures are also designed to establish guidelines for the acquisition, use, maintenance, retention, labeling, duplication, and destruction of video files, and to identify the responsibilities of officers, supervisors, and administrators.

419.3 DEFINITIONS

Recording equipment - a BPD approved in-car video recording system consisting of a car video recording system, a camera assembly, recording mechanism, video processing unit, wireless transmitter charger, and in-car equipment.

Wireless transmitter/microphone (audio) - a device worn by the officer to transmit conversations from the officer's location to the recording location. This includes the transmitter and the lapel attachment.

Video media - the storage platform used to store the video data, including the in-car video computer hard drives, BPD server hard drives, CDs, and DVDs.

Video files - the computer files created by the BPD in-car video recording system. These files include, but are not limited to, the digital video files and still photo files, data associated with each recording such as the car identification, audio recordings, vehicle speed, patrol light indicators, and geographic direction. The files include a complete history of video file activity by network users, such as creation date, retrieval, viewing, labeling, saving and dates or workstations.

Recording system software - BPD approved software, which facilitates the handling and processing of video recordings. A limited version of this system is installed in the cars and a full version is installed on the in-station workstations (this is also known as the front and backend software).

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Retrieval - the act of using the video software to search the video server for particular video files.

Classify/Bookmark/Note - the act of associating specific identifiers such as event type, case or citation numbers, and other information as desired with video recordings.

Duplication - the process of copying video recordings to a portable media or other electronic storage devices.

Recording System - the BPD approved in-car digital video recording equipment and software.

419.4 RESPONSIBILITIES

419.4.1 POLICE ADMINISTRATION

- (a) The Patrol Division Captain is responsible for:
 - 1. Developing and administering the training process for the proper usage of recording equipment, wireless transmitter, lapel microphone, recording system software, and video media.
 - 2. Requiring all officers to complete recording system training and pass a proficiency exam.
 - 3. Establishing video retention periods in accordance with Oregon State law and City policies.
- (b) The Training Lieutenant is responsible for:
 - 1. Serving as custodian of all training records (Training Division).
- (c) The City of Beaverton Information Services Department (ISD) is responsible for:
 - (a) Providing a secure location for all video recordings (ISD).

419.4.2 POLICE SERGEANTS/LIEUTENANTS

Police Sergeants/Lieutenants shall:

- (a) Require all instructors and operators of in-car video camera equipment to complete the required training.
- (b) Periodically review selected video of their staff, placing special emphasis on reviewing the recordings of pursuits, use of force incidents, consent searches, and complaints for the purpose of:
 - 1. Assessing officer performance and safety.
 - 2. Determining the in car camera equipment is functioning and being properly used.
 - 3. Identifying any material that may be appropriate for training and forward to the Training Division.

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419.4.3 OFFICERS

Recording equipment installed in patrol vehicles is the responsibility of the police officer for the duration of her/his vehicle assignment. Anytime the vehicle is in use the video system shall be powered on. Officers shall:

- (a) Ensure proper care and maintenance of the recording equipment, wireless transmitter/microphone, and recording systems software in accordance with BPD sponsored training.
- (b) Ensure that any recording equipment, wireless transmitter, lapel microphone, or recording system software failure is immediately reported to their immediate supervisor. Officers shall not attempt to make any repairs to recording equipment, wireless transmitter/microphone, or recording system software.
- (c) Position the police vehicle with highest regard for the safety of the officer, the violator, and the general public at all times. Officers shall attempt to position the camera in such a way as to best capture the incident. However, officers should not compromise their safety in order to obtain video.

419.5 PROCEDURES

419.5.1 VIDEO RECORDING

- (a) Officers shall:
 - 1. Activate the recording equipment including the wireless transmitter in the following circumstances:
 - 1. (a) All traffic stops and pedestrian contacts
 - (b) Courtesy transports
 - (c) DUII investigations
 - (d) High risk stops
 - (e) Prisoner transports
 - (f) Vehicular pursuits
 - (g) Code 3 responses
 - (h) Incidents where officers anticipate a community member complaint
 - 2. Any incidents or situations where an officer's safety may be placed in jeopardy (if the officer can safely do so)
 - 3. Reactivate the equipment either manually or by using the remote microphone if the situation changes and evidence might be captured on video.
 - 4. Notify personnel assisting from outside agencies whenever either video or audio recording is in use.

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5. Wear the wireless transmitter with the lapel microphone on their person at all times, positioned to obtain the best audio possible.
 6. Microphones shall be unmuted when in contact with the public.
- (b) Officers should:
1. Deactivate the recording equipment when the officer is reasonably certain the equipment will no longer be operable due to being out of range.
 2. Record other types of incidents at their discretion.
 3. Make every effort to show the degree of impairment of the driver when interacting with impaired drivers.
 4. Not compromise their safety in order to provide notification, but shall provide notification once it is safe to do so.

419.5.2 POST RECORDING ACTIVITY

Officers shall:

- (a) Sign into the viewing (Front End) software with the appropriate and required credentials.
- (b) Classify/Bookmark/Note all recordings.
- (c) Review the video prior to writing a report when the video is associated with an incident where there is either a case number or a citation.
- (d) When possible, identify all relevant subjects recorded in the report.
- (e) Note the acquisition of recordings in reports and on citations.
- (f) Not access or duplicate video files unless the officer:
 1. responded to the incident.
 2. assisted with the incident.
 3. is directed by a supervisor to do so.
 4. performs a work task, which requires viewing or duplication.
- (g) Treat all video files as evidence.
- (h) Not make copies of video files for personal use.
- (i) Not access the video files through any means other than the software accessible from BPD desktops.
- (j) Document any instance of video deactivation where recording equipment stopped functioning properly during a reported contact, or in the instance no report is written, notify their supervisor of equipment failure.

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419.6 VIDEO FILE DUPLICATION

The video recordings generated are the property of the BPD. The policies and procedures relating to disclosure of public records and rights of privacy shall be followed. Refer to the Records Release and Security Policy. The following restrictions apply to the distribution of video data outside the Department:

- (a) Copies can be released to other authorized parties only within the scope of official business
- (b) All other requests for copies, such as those from the media, attorneys, and community members shall be processed by the BPD Police Records Manager, the Public Information Officer, and/or the City Attorney's Office.

419.7 TRAINING

Video recordings may be used for training purposes at the discretion of the Professional Standards Division Lieutenant.

Mobile Data Computers Use

420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Computers (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and WCCCA.

420.2 POLICY

Beaverton Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

420.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

420.3.1 MODIFICATIONS TO EQUIPMENT

No member, unless specifically authorized to do so by the department, will make any modification to the MDC, the vehicle MDC set-up, or to the MDC software, except for the user defined options such as screen intensity.

420.4 RESTRICTED ACCESS AND USE

MDC use is subject to CJIS and PSNet regulations and the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisor or division lieutenant.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from their supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the

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MDC when it is unattended unless the action would compromise the safety of the member. This added security measure will minimize the potential for unauthorized access or misuse.

Any agency using a terminal to access the Law Enforcement Data System (LEDS), whether directly or through another agency, is responsible for adhering to all applicable LEDS rules and policies and must ensure that unauthorized persons are not given access or allowed to view LEDS information.

420.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

420.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by a Patrol Lieutenant or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

420.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service, or any other time exiting the vehicle) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

420.5.2 EMERGENCY ACTIVATION

If there is an emergency activation of the MDC and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor or a Patrol Lieutenant are notified of the incident without delay.

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Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

420.6 EQUIPMENT CONSIDERATIONS

Members shall not remove and/or replace MDCs assigned to a patrol vehicle unless authorized to do so by a supervisor or Patrol Lieutenant.

420.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify WCCCA. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio. Members who discover a malfunctioning MDC will notify their supervisor and complete the appropriate ISD work order.

420.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

Body-Worn Cameras

421.1 PURPOSE AND SCOPE

Body-worn cameras (BWC) are an effective law enforcement tool that can enhance the understanding of interactions between officers and the public. Body-worn cameras provide additional documentation of police-public encounters and can be an important tool for collecting evidence and maintaining public trust.

421.2 DEFINITIONS

Body-worn cameras - camera systems designed to be worn by police officers to capture Digital Multimedia Evidence (DME).

Digital Multimedia Evidence (DME) - DME consists of all digital recordings, to include but not limited to audio, video, photographs, and their associated metadata.

Metadata - includes any digital identifiers that are captured as part of the actual recording (e.g., date/time, GPS coordinates, incident category, etc.), plus data entered by the officer.

Activate – to cause a video or audio recording to be made through a body-worn camera system.

421.3 POLICY

This policy is intended to provide officers direction on when and how to use body-worn cameras. Use of body-worn cameras for any purpose other than in accordance with this policy is prohibited without the written approval of the Chief of Police or authorized designee.

This policy does not apply to lawful surreptitious audio/video recording interception of communications for authorized investigative purposes or to mobile audio/video recordings (see the Investigation and Prosecution and In-Car Camera Video policies).

421.4 MEMBER RESPONSIBILITIES

- (a) BWCs shall be worn by all officers and supervisors working a uniformed assignment in patrol operations. (Patrol operations include the Traffic Safety Team and K9 Unit.) Youth Services Officers (YSOs) and the YSO supervisor shall also wear BWCs.
- (b) Other uniformed personnel not assigned to the Patrol Division or YSO program may wear a BWC if approved by the Chief of Police or authorized designee. Any sworn member who does not routinely wear a BWC, will check with the on-duty supervisor for availability of a BWC.
- (c) Prior to using a body-worn camera, officers shall receive department-approved training on the proper operation and care and the department's policy with respect to the use of the body-worn camera. Training shall be provided at periodic intervals to ensure the continued effective use of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policies or equipment.

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- (d) Officers shall wear body-worn cameras on the torso and in a position designed to produce an effective recording. Motorcycle officers may wear the department-approved alternative style body-worn camera equipment above the torso or as otherwise directed.
- (e) Officers shall inspect and test body-worn cameras prior to each shift to verify proper functioning (including a fully charged battery), and shall notify their supervisor of any problems. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be assigned.
- (f) Officers shall only use BWC equipment issued by the department. Personnel shall not remove, dismantle or tamper with any hardware/software component or part of the BWC. No personally-owned body-worn cameras shall be used.
- (g) In the event that a body-worn camera is lost, upon discovery, the officer shall immediately notify their supervisor.
- (h) Officers shall only use body-worn cameras in conjunction with official department duties.

421.5 SUPERVISORY RESPONSIBILITIES

Supervisors shall ensure officers are equipped with BWC devices prior to taking calls for service. Supervisors may review a sampling of officers BWC recordings to ensure the equipment is functioning properly and officers are using devices in accordance with policy, and to identify any areas which require additional training or guidance. It is not the intent of the department to review recordings for the purpose of general performance review, or to discover policy violations.

If during a BWC review a supervisor inadvertently discovers a policy violation, and depending on the type of policy violation the supervisor will either initiate a performance discussion with the involved member or initiate a professional standards review.

421.6 OPERATION

421.6.1 ACTIVATION

Body-worn cameras shall be worn in the "on" buffering mode (but not activated) during routine field operations, except those circumstances where recording is already prohibited.

Unless there are exigent circumstances or concerns for the safety of the member or any other person, or otherwise provided in this policy, body-worn cameras shall be activated whenever the officer has or develops reasonable suspicion or probable cause that an offense has been or will be committed by a person in contact with the member (ORS 133.741(1)(b)(B)).

BWCs shall be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations.
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.

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- (c) Self-initiated activity in which a member would normally notify dispatch.
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- (e) When a person is in custody or being detained. (This includes detentions in handcuffs while investigating whether or not a crime(s) have occurred.)

BWCs should be activated in the following situations:

- (a) Transport of a person not in custody.
- (b) Any time the member believes it would be appropriate or valuable to record an incident.

At no time is a member expected to jeopardize their own safety in order to activate the equipment. The BWC should, however, be activated in situations described above as soon as practicable.

If an officer fails to activate the camera upon initial contact, the officer should verbally record the reason on the BWC recording once the BWC recording is activated and the officer will document the reason for the activation anomaly in their report narrative.

421.6.2 NOTIFICATION OF RECORDINGS

Members shall announce at the beginning of an interaction (or as soon as practicable) that the conversation is being recorded. This notification should be included in the recording when possible. Exceptions can be made when the announcement may impair a criminal investigation or jeopardize officer safety or the safety of any other person. Exceptions also apply to situations, such as a public meeting or rally. (ORS 133.741(1)(c); ORS 165.540(2) through (7) and ORS 133.726).

421.6.3 PRIVACY CONSIDERATIONS

Community members do not have a reasonable expectation of privacy when talking with a police officer during the scope of the officer's official duties, even when contact occurs in a private residence. However, members should remain sensitive to the dignity of all individuals being recorded and exercise discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Examples and situations include, but are not limited to:

- (a) A witness or victim who wishes to remain anonymous or refuses to provide a statement if recorded and the encounter is non-confrontational
- (b) Recordings that would jeopardize safety planning for victims
- (c) Recordings that would disclose private security measures of residences or businesses
- (d) Recordings that would interfere with the ability to conduct an investigation due to sensitive circumstances (e.g., nudity, presence of child pornography)

Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording. The request to turn the body-worn camera off should be recorded, as well as the officer's response, and included in the report narrative.

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421.6.4 JUVENILES

It is recognized that recordings of juvenile offenders will occur by the use of body-worn cameras when officers are responding to calls for service or during the course of an investigation. Officers shall protect recordings of juveniles captured with the body-worn cameras the same as still photographs of juveniles. If an officer has a need to use body-worn camera recordings of juvenile offenders as part of an investigation, the officer shall comply with state or any other applicable law.

421.6.5 DEACTIVATION

Officers shall continue recording until they announce on camera that they are deactivating their BWC. Deactivation of the body-worn camera shall occur when:

- (a) The event has concluded. An incident is considered complete when a reasonable person would consider the incident to have reached a logical ending.
- (b) Victim and/or witness contact has concluded.
- (c) All persons stopped have been released.
- (d) An arrestee has been placed into a vehicle to be transported to a detention facility.
 - 1. At the option of the officer who has an arrestee in their vehicle, the officer may choose to keep the officer's body-worn camera activated until custody of the arrestee is transferred to the detention facility.
- (e) In an extended situation where the officer has reason to believe there is no value in collecting further data (e.g., traffic control at a crash scene).
- (f) Technical difficulties render the system inoperable.

If the BWC is deactivated prior to the completion of an event, the officer shall verbally record the reason on the recording and document the reason in the report narrative.

421.6.6 MUTE FEATURE

Officers may use the mute feature on their BWC in lieu of deactivating the camera. The purpose of the mute feature is to maintain the continuation of a video recording while temporarily pausing the audio recording. The mute feature shall only be used in the following circumstances to protect confidential and sensitive information:

- (a) Confidentiality of law enforcement conversations during tactical situations.
- (b) Confidentiality of administrative conversations between supervisors, officers, and/or recruits during calls for service. Examples include, but are not limited to:
 - 1. Police tactics
 - 2. Department policy
 - 3. Legal considerations
 - 4. Sensitive training discussions

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421.6.7 RECORDING RESTRICTIONS

Officers should restrict recording to areas and persons necessary in order to obtain evidence and information relevant to the incident and should attempt to minimize collateral intrusion to those not involved.

Body-worn cameras shall not be intentionally used in the following circumstances:

- (a) Interviews with child abuse victims.
- (b) Interviews with sexual assault victims.
- (c) In any location where individuals have a reasonable expectation of privacy, such as a restroom, break room, or fitness room.
- (d) Body-worn cameras shall not be worn in the department's locker rooms.
- (e) When an officer would be recording a patient during a medical, health care provider or psychological evaluation by a clinician or similar health care professional, or during treatment. When recording in hospitals or other health care facilities, officers shall be careful to avoid recording persons other than the suspect or witnesses that are deemed relevant to the matter being investigated by the officer.
- (f) Communications made in a psychiatric facility, unless responding to a call involving a suspect who is thought to be present in the facility.
- (g) Encounters with undercover officers or confidential informants.
- (h) When an officer is engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g., spouse, attorney, police peer counselor, labor representative, clergy, health care provider, etc.).
- (i) Casual communications with other police personnel.
- (j) When an officer is on break or is otherwise engaged in personal activities.
- (k) Inside the police facilities during roll calls, briefings and/or incident debriefings, in-service training, and/or departmental meetings.
- (l) Places of worship and/or religious ceremonies.
- (m) Community policing activities.

421.6.8 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

421.6.9 DOWNLOADING AND TAGGING VIDEO

When practical, all files from body-worn cameras shall be securely downloaded no later than the end of the officer's on-duty work shift. Each file shall be categorized, tagged, and contain information related to the date, body-worn camera identifier, assigned officer, and case number.

Members should flag any incident in which all or some of the recorded data should not be released due to its sensitive nature (e.g., sensitive intelligence data, revealing identity of confidential

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informant, a victim advocate is recorded, sensitive victim cases) or of any recorded incident which might be valuable for training purposes.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

421.7 REPORTING REQUIREMENTS

Members shall document the existence of a recording in any report or other official record of the contact, including any instance where the body-worn camera was not activated, the equipment malfunctioned, or the member deactivated the recording.

421.8 REVIEW AND USE OF RECORDINGS

421.8.1 OFFICERS

Officers are allowed to review the recordings from their body-worn cameras. To help ensure accuracy and consistency, officers are encouraged to review recordings as a resource prior to preparing reports, preparing to make or give a statement about their BWC recorded activities and/or testifying in any forum. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Prior to testifying in a court case where recorded data will be offered as evidence, officers are encouraged to review the recording.

Officers shall not edit, alter, erase, duplicate, copy, share (other than individuals with a right to know), or otherwise distribute in any manner body-worn camera images and information. Requests for any of these shall be made through the System Administrator, Chief of Police, or the authorized designee.

- (a) Officers will not take "screen shots" or make any reproduction of any video or audio content unless approved by the Chief of Police or authorized designee.
- (b) Viewing of DME shall be limited only to individuals on a right to know basis and only for the purpose of processing a case or when related to department matter.

421.8.2 ADMINISTRATIVE INVESTIGATIONS

Supervisors and Professional Standards personnel and legal representatives of employee's subject to Professional Standards investigations may access DME for administrative investigations and reviews. The scope of the review of DME should be limited to the specific complaint against the officer. Inadvertent discovery of other allegations during this review shall require the supervisor to articulate the purpose of expanding the scope.

Audio and video recordings from body-worn cameras may be viewed by an involved employee and/or their legal representative during their representation of an employee. Copies of audio and/or video recordings associated with the legal representation matter will be provided to an

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involved employee and/or their legal representative during their representation of an employee in accordance with the collective bargaining agreement and/or as allowed by law.

421.8.3 INVESTIGATIONS DIVISION

CID supervisors may review DME relevant to an investigation being conducted. The CID supervisor may also authorize a detective to review DME relevant to that detective's investigation.

421.8.4 TRAINING

Recordings from body-worn cameras may be shown for training purposes upon completion of a criminal case or administrative case. All such use shall be pursuant to the written authority of the Investigations Division Captain.

Officers shall be provided with at least 14 days written notice if recordings intended for use for training purposes were either made by them or captured their image or voice. If an involved employee/individual objects to the release of the video, a determination of whether or not to release the video will be made by the Chief of Police or authorized designee.

421.8.5 OTHER REQUESTS

Recorded files may also be viewed:

- (a) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (b) By media personnel with permission of the Chief of Police or the authorized designee.
- (c) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.
- (d) Video may be shown to/viewed by members of the public when appropriate and for legitimate police purposes with supervisory approval or by supervisory personnel (e.g., complaint reviews or parental requests of their minor children on video).

All recordings shall be reviewed by the Custodian of Records prior to public release (see the Records Release/Public information Requests section in this policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

Except as set forth in this policy, or as allowed by state or federal law, non-department personnel shall not be allowed to review the recordings without the written consent of the Chief of Police or the authorized designee.

421.8.6 USE OF FORCE

If the officer is giving a formal statement about the use of force or if the officer is the subject of a disciplinary investigation, the officer shall:

- (a) have the option of reviewing the recordings in the presence of the officer's attorney or labor representative; and

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- (b) have the right to review recordings from other body-worn cameras capturing the officer's image or voice during the underlying incident and/or events that are the subject of the investigation.

421.9 CRITICAL INCIDENTS

Following an officer-involved shooting, use of deadly force, or other critical incident, and when safe and practical to do so:

- (a) Body-worn cameras will be collected by the on-scene sergeant or officer in charge (OIC) and will be immediately powered off to prevent viewing or uploading.
- (b) Sergeants/officers will only review the BWC video when exigent circumstances exist, such as an officer being injured or in order to obtain identifying suspect information or other pertinent information.
- (c) Involved officers' cameras will be turned over to the Washington County Major Crimes Team (MCT) for processing. If the involved officers are Beaverton officers wearing a body-worn camera, the MCT coordinator will work BPD's body-worn camera System Administrator to download any body-worn camera video pertaining to the incident.
- (d) Any body-worn camera videos that contain video of a critical incident or officer-involved shooting shall be immediately categorized as "restricted" by the System Administrator once the video is downloaded.
- (e) The MCT Coordinator will work with the System Administrator to provide software access to MCT detectives so they are able to review the video(s).
- (f) Officers involved in a shooting will have the opportunity to review only their video before giving a formal statement to the MCT. The MCT and BPA will coordinate an appropriate time for involved officers to view the video.

421.10 HANDLING OF DIGITAL MEDIA EVIDENCE

- (a) Department-owned body-worn camera equipment and all data, images, video and metadata captured, recorded, or otherwise produced by the equipment is the property of the department. The personal use of information recorded by body-worn cameras shall only be used with the written approval of the Chief of Police or authorized designee.
- (b) The Records Manager and/or the assigned Police IT Tech will be the Systems Administrator(s) for the data storage system. All access and activity on the data storage system is logged and subject to audit at any time. Personnel authorized under this policy may only view data files according to the provisions of this policy or as designated by the Systems Administrator(s), the Chief of Police or authorized designee.
- (c) Any contract with a third-party vendor for data storage of recordings from body-worn video cameras must state that all recordings are the property of the Beaverton Police Department, not owned by the vendor, and cannot be used by the vendor for

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any purpose inconsistent with the policies and procedures of the Beaverton Police Department (ORS 133.741(1)(b)(C)).

- (d) All files will be stored and maintained in a secure department-approved location.
- (e) Recordings from body-worn video cameras shall not be analyzed with facial recognition or other biometric matching technology (ORS 133.741(1)(b)(D)).

421.11 RETENTION REQUIREMENTS

All files from body-worn cameras shall be securely stored in accordance with state records retention laws and will be purged after no longer useful for purposes of training, or for use in an investigation or prosecution (including appeals), or for use in resolving a claim or pending litigation, or disciplinary investigation. In capital punishment prosecutions, files shall be kept until the alleged offender is no longer under control of a criminal justice agency.

All recordings shall be retained for a period consistent with the requirements of the state's public records retention laws, but in no event for a period less than 180 days. Recordings no longer needed for a court proceeding or an ongoing criminal investigation shall not be retained for more than 30 months (ORS 133.741(1)(b)(A)). (Refer to the attached retention schedule.)

The retention period begins from the date the body-worn camera recording was labeled or categorized. Department administrators, in addition to the recording officer, may label or categorize recordings for retention. Officers will periodically be directed by the System Administrator(s) or designee to label or categorize any DME which had not previously been labeled or categorized.

[See attachment: Policy 421 BWC DME Retention Schedule 02-2023.pdf](#)

421.12 RECORDS RELEASE/PUBLIC INFORMATION REQUESTS

Any department member who receives a request for records shall route the request to the Police Records Manager or the authorized designee. (Refer to Policy 804 Records Maintenance and Release.) Such recordings may only be disclosed under the conditions provided under Oregon State Law (ORS 192.345(40)) that includes the following guidelines related to BWC recorded data requests:

- (a) The request must be for an event for which there is public interest.
- (b) The request must be for an approximate time or event.
- (c) The request must be tailored to the relevant video of the event.
- (d) All faces must be rendered unidentifiable (blurred) prior to release.

A reasonable attempt will be made by the releasing person or designee to notify any involved employee(s) prior to release of the information. Officers shall be provided with at least seven (7) calendar days written notice of any public requests made to review DME from their body-worn cameras.

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421.13 ANNUAL REVIEW

An evaluation of the Body-Worn Camera program and policy review will be conducted annually by the Professional Standards.

Portable Audio/Video Recorders

422.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether hand held or integrated into portable equipment (ORS 133.741).

This policy does not apply to mobile audio/video recordings (refer to the Body-Worn Camera and In-Car Digital Video System policies), interviews or interrogations conducted at any Beaverton Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

422.2 POLICY

The Beaverton Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

422.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in their official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

422.4 MEMBER RESPONSIBILITIES

Any sworn member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful.

When using a portable recorder, the assigned member shall record their name, BPD identification number and the current date and time at the beginning of the recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

422.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an interview or interaction.

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Members shall notify all parties to the conversation that a recording is being made unless pursuant to a court order or the limited exceptions in ORS 165.540 subsections (2) through (7) and ORS 133.726 (prostitution offenses, felonies when exigency makes obtaining a warrant unreasonable, certain felony drug offenses, felonies that endangers human life) (ORS 165.540).

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize their safety in order to activate a portable recorder or change the recording media.

422.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Oregon law generally prohibits any individual from surreptitiously recording any conversation, except as provided in ORS 165.540 and ORS 165.543.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

422.5.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the completion of the interview or interaction, requested by the interviewee, or terminated by the member explaining why the recording is being stopped.

422.5.3 EXPLOSIVE DEVICE

Many portable recorders, including audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

422.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of their supervisor. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and

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release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

422.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

422.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's

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privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

422.9 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the Department's records and evidentiary retention schedule and policies.

422.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

Public Recording of Law Enforcement Activity

424.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

424.2 POLICY

The Beaverton Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interfering with a police officer or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

424.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (ORS 165.540).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, themselves or others.

424.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that they may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

424.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

424.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless ("First Amendment Privacy Protection, Unlawful Acts", 42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - (a) If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Medical Marijuana

425.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of marijuana under Oregon's medical marijuana laws (ORS 475B.785 et seq.).

This policy is not intended to address laws and regulations related to recreational use of marijuana.

425.1.1 DEFINITIONS

Definitions related to this policy include:

Attending provider - A health care provider as defined by ORS 475B.791 who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

Cardholder - Any patient or caregiver who has been issued a valid Registry Identification Card (RIC).

Caregiver (or designated primary caregiver) - An individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on either that person's application for a RIC or in other written notification submitted to the Oregon Health Authority. Caregiver does not include a person's attending provider; however, it may include an organization or facility that provides hospice, palliative, or home health care services. The caregiver may assist the cardholder with any matter related to the medical use of marijuana (ORS 475B.791; ORS 475B.807; ORS 475B.801).

Grower - A person, joint venture, or cooperative that produces industrial hemp (ORS 571.269).

Handler - A person, joint venture, or cooperative that receives industrial hemp for processing into commodities, products, or agricultural hemp seed and any other activities identified by the Oregon Department of Agriculture (ODA) by rule (ORS 571.269).

Mature marijuana plant - A marijuana plant that has flowers (ORS 475B.791).

Medical use of marijuana - The production, processing, possession, delivery, distribution, or administration of marijuana, or use of paraphernalia used to administer marijuana to mitigate the symptoms or effects of a debilitating medical condition (ORS 475B.791). The RIC may also identify a person applying to produce marijuana or designate another person to produce marijuana under ORS 475B.810.

Patient - A person who has been diagnosed with a debilitating medical condition within the previous 12 months and been advised by the person's attending provider that the medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condition (ORS

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475B.913). This includes a person who has been issued a valid RIC for their medical condition (ORS 475B.797).

Registry Identification Card (RIC) - A document issued by the Oregon Health Authority under ORS 475B.797 that identifies a person authorized to engage in the medical use of marijuana and, if the person has a designated primary caregiver under ORS 475B.804, the person's designated primary caregiver (ORS 475B.791). The RIC may also identify a person applying to produce marijuana or designate another person to produce marijuana under ORS 475B.810.

Statutory possession and grow site amounts - Amounts authorized by ORS 475B.831 and ORS 475B.834.

Usable marijuana - The dried leaves and flowers of marijuana. Usable marijuana does not include the seeds, stalks, and roots of marijuana or waste material that is a by-product of producing marijuana (ORS 475B.791).

425.2 POLICY

It is the policy of the Beaverton Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Oregon medical marijuana laws are intended to protect patients and their doctors from criminal and civil penalties that may deter the use of small amounts of marijuana by those suffering from debilitating medical conditions (ORS 475B.785). However, Oregon's medical marijuana laws do not affect federal laws, and there is no medical exception under federal law for the possession or distribution of marijuana. The Beaverton Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Oregon law and the resources of the Department.

425.3 INVESTIGATION

Investigations involving the possession, delivery, production, or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations related to patient cardholders.
- (c) Investigations related to patient non-cardholders.

425.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the acquisition, possession, transportation, delivery, manufacture, or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer may proceed with an investigation. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

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425.3.2 INVESTIGATIONS RELATED TO PATIENT CARDHOLDERS

Officers shall not take enforcement action against a cardholder for engaging in the medical use of marijuana with amounts at or below statutory possession amounts or statutory grow site amounts. Officers shall not take enforcement action against a caregiver for assisting a patient cardholder in the medical use of marijuana with amounts at or below statutory possession amounts or statutory grow site amounts (ORS 475B.907).

Cardholders are required to possess a RIC when using or transporting marijuana, usable marijuana, medical cannabinoid products, cannabinoid concentrates, or cannabinoid extracts at a location other than the address on file with the Oregon Health Authority (ORS 475B.837). However, officers should treat a person without a RIC in their possession as if it were in their possession if the RIC can be verified through an Oregon State Police Law Enforcement Data Systems (LEDS) query or other sources.

425.3.3 INVESTIGATIONS RELATED TO PATIENT NON-CARDHOLDERS

Officers should not take enforcement action against a patient who does not have a RIC for possession or production of marijuana, or any other criminal offense in which possession or production of marijuana is an element, if the patient meets all of the following (ORS 475B.913):

- (a) Is engaged in the medical use of marijuana
- (b) Possesses, delivers, or manufactures a quantity at or below statutory possession quantity or the quantity cultivated is at or below statutory grow site amounts

Officers should not take enforcement action against a person who does not meet the definition of a patient if the person is taking steps to obtain a RIC; possesses, delivers, or manufactures marijuana at or below statutory possession quantities or below statutory grow site quantities; and the person's medical use claim appears genuine under the circumstances (ORS 475B.913).

425.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- (a) Grow sites are regulated in the following manner (ORS 475B.810):
 - 1. The Oregon Health Authority must have issued a marijuana grow site registration card for a site to be valid.
 - 2. The grow site registration card must be posted for each RIC holder for whom marijuana is being produced at a marijuana grow site.
- (b) An officer who determines that the number of marijuana plants at an address exceeds quantities authorized by statute may confiscate only the excess number of plants (ORS 475B.831).
- (c) Because enforcement of medical marijuana laws can be complex and time consuming and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

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1. The suspect has been identified and can be easily located at another time.
 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
 4. Any other relevant factors exist, such as limited available department resources and time constraints.
- (d) Before proceeding with enforcement related to grow sites, a marijuana producer, or processing sites officers should consider conferring with appropriate legal counsel, the Oregon Health Authority, and/or Oregon Liquor and Cannabis Commission (ORS 475B.831; ORS 475B.136).
- (e) Registration or proof of registration under ORS 475B.785 to ORS 475B.949 does not constitute probable cause to search the person or property of the registrant or otherwise subject the person or property of the registrant to inspection (ORS 475B.922).
- (f) As a licensing authority, the Oregon Liquor and Cannabis Commission may assist with related questions regarding recreational marijuana (ORS 475B.070).

425.3.5 EXCEPTIONS

Medical marijuana users are generally not exempt from other criminal laws and officers should enforce criminal laws not specifically covered by the Medical Marijuana Act appropriately. Officers may take enforcement action if the person (ORS 475B.910):

- (a) Drives under the influence of marijuana as provided in ORS 813.010.
- (b) Engages in the medical use of marijuana in a place where the general public has access (ORS 161.015), in public view, or in a correctional facility (ORS 162.135(2)), or in a youth correction facility (ORS 162.135(6)).
- (c) Delivers marijuana to any individual who the person knows is not in possession of a RIC.
- (d) Delivers marijuana to any individual or entity that the person knows has not been designated to receive marijuana or assigned a possessory interest in marijuana by an individual in possession of a RIC.

If an officer knows or has reasonable grounds to suspect a violation of the Adult and Medical Use of Cannabis Act (ORS 475B.010 to ORS 475B.545), the officer shall immediately notify the district attorney who has jurisdiction over the violation and provide any relevant information, including the names and addresses of any witnesses (ORS 475B.429).

425.3.6 INDUSTRIAL HEMP

Medicinal marijuana investigations may lead to separate issues related to industrial hemp. Growers and handlers who operate under the industrial hemp laws of Oregon must be licensed with the ODA to grow or handle industrial hemp or produce agricultural hemp seed. Growers and

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handlers who produce seed products incapable of germination are not required to be licensed with the ODA (ORS 571.281). Officers may contact the ODA's Commodity Inspection Division for information about industrial hemp sites and registration compliance.

425.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

425.5 PROPERTY AND EVIDENCE DIVISION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Division shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed, harmed, neglected or injured. The Property and Evidence Division is not responsible for caring for live marijuana plants (ORS 475B.922).

Marijuana should not be returned to any person unless authorized by the Investigations Division Captain and upon advice of the City Attorney. Any court order to return marijuana should be referred to the City Attorney's Office.

The Property and Evidence Division may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations Division Captain.

Foot Pursuits

427.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

427.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

427.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, officers should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.

Foot Pursuits

- (e) Air support
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

427.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of their location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders them incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increases the risk to or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of their firearm or other essential equipment.
- (l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

Foot Pursuits

- (o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

427.5 RESPONSIBILITIES IN FOOT PURSUITS

427.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officers unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of the officer's location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects, or members of the public.

427.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that they are engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

Any officers who are in a position to intercept a fleeing suspect, or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and their own observations.

Foot Pursuits

427.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information necessary to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

427.6 REPORTING REQUIREMENTS

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Any injuries and/or medical treatment.
- (h) Any property or equipment damage.
- (i) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Bicycle Patrol Unit

428.1 PURPOSE AND SCOPE

The Beaverton Police Department has established the Bicycle Patrol Unit for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

428.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or a lieutenant.

428.3 TRAINING

Participants in the program must successfully complete a department-approved bicycle training course. Thereafter bicycle patrol officers should receive annual in-service training to improve skills and refresh safety, health and operational procedures.

428.4 UNIFORMS AND EQUIPMENT

Bicycle officers shall wear the department-approved uniform and safety equipment while operating the patrol bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

Optional equipment includes jacket in colder weather; turtleneck shirts or sweaters are permitted when worn under the uniform shirt. Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining necessary forms, citation books and other needed equipment to keep available while on bike patrol.

428.5 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle and gear bag.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in color with a police decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors, and front lights satisfying the requirements of Oregon Revised Statutes § 815.280(2).

Bicycle Patrol Unit

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle shall be equipped with a flashing red/blue warning light that is visible from the front and rear of the bicycle, meeting the requirements set forth in the Oregon Revised Statutes and Oregon Administrative Rules.

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Except when emergency circumstances preclude doing so patrol bicycles should be properly secured when not in the officer's immediate presence.

428.6 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the Oregon Revised Statutes. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment. With supervisor approval, officers may ride an unmarked "Police" bicycle for undercover operations. Officers are still responsible for safe operations of the vehicle per ORS 814.400.

Homeless Persons

430.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

This policy establishes a liaison to the homeless community, addresses the responsibilities of the department member appointed to act as a liaison to the homeless, and details the need for special protection and services for homeless persons.

430.2 POLICY

It is the policy of the Beaverton Police Department to protect the rights, dignity, and private property of all members of the community, including people who are homeless. The Beaverton Police Department will address the needs of homeless persons in balance with the overall mission of this department.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

430.3 LIAISON TO THE HOMELESS COMMUNITY

The Administrative Patrol Lieutenant shall serve as the department's liaison to the homeless community. The responsibilities of the liaison include but are not limited to:

- (a) Maintaining and making available to all department members a list of assistance programs and other resources that are available to homeless persons.
- (b) Meeting with social services and representatives of other organizations that render assistance to the homeless community.
- (c) Maintaining a list of the areas within and near the jurisdiction of this department that are used as frequent homeless encampments.
- (d) Remaining abreast of laws dealing with homelessness, including property rights. This will include the following:
 - 1. Proper posting of notices of trespass and clean-up operations.
 - 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Ensuring a supervisor is present and/or provide clear direction to officers during any clean-up operation conducted by this department that involves the removal of personal property of the homeless. This is to ensure the established rights of the homeless are not violated.
- (f) Developing training to assist members in understanding current legal and social issues relating to the homeless.

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- (g) Reviewing any city policies regarding homeless individuals camping on public property (ORS 203.077).

430.4 FIELD CONTACTS

Officers are encouraged to contact a homeless person to render aid, offer assistance, or to check the person's welfare. Officers also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity.

When encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions, such as shelter referrals and counseling, in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

430.4.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness, or suspect is homeless can, however, require special considerations for a successful investigation and prosecution. When handling investigations involving victims, witnesses, or suspects who are homeless, officers should consider:

- (a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Documenting locations the person may frequent.
- (c) Providing victim/witness resources, when appropriate.
- (d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.
- (e) Whether the person may be an adult abuse victim and, if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates no desire for prosecution.

430.5 HOMELESS CAMPS ON PUBLIC PROPERTY

Prior to removing homeless individuals from an established campsite on public property, officers shall (ORS 203.079):

- (a) If individuals are present, advise violators that they are camping on public property and such encampments are illegal.
- (b) Post the area with required written notice of pending removal at all entrances reasonably identifiable. Notice should be in English and Spanish and include all

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required information under ORS 203.079 (e.g., location of unclaimed property, required contact information for questions regarding location of property storage).

1. Notice shall be posted at least 72 hours prior to removal except in certain circumstances (e.g., camping at cemeteries).
- (c) Once notice is posted, notify the local agency that delivers social services to homeless individuals as to where the notice has been posted.
- (d) Obtain a case number and prepare a police report/street check documenting the incident.

The 72-hour warning notice requirement is not necessary if officers reasonably believe that illegal activity unrelated to the camping is occurring at an established camping site or in the event of an exceptional emergency such as a possible site contamination by hazardous materials, a public health emergency, or other immediate danger to human life or safety (ORS 203.079). Officers should consult with a supervisor prior to using this exemption.

Citations for unlawful camping under state law, administrative rule or city or county ordinance may not be issued within 200 feet of the notice described above and within two hours before and after the notice is posted. (ORS 203.079 (3))

430.5.1 CAMPING ON PUBLIC RIGHTS OF WAY

Officers who encounter persons camping on the public rights of way shall ensure compliance with the provisions of Beaverton City Code 5.05.117 and 5.05.118 should enforcement action be taken.

430.5.2 CAMPING ON PRIVATE PROPERTY

Camping on private property without the owner's permission should be handled as a trespass complaint. Owners of private property may allow individuals to camp, provided they do so in a manner consistent with Beaverton City Code 8.07.360 (Beaverton Residential Property Maintenance Code) and Beaverton City Code 6.03.324 (Permitted Vehicle Camping).

430.6 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting, and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure any personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed, and measures should be taken to remove or secure the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Liaison to the Homeless Community.

Homeless Persons

Officers who encounter unattended encampments, bedding, or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the liaison if such property appears to involve a trespass, is a blight to the community, or is the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

430.6.1 STATE LAW ON UNCLAIMED PERSONAL PROPERTY

When a homeless individual is removed pursuant to a city policy, any unclaimed personal property stored by this department shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined. Items that have no apparent utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individual from the camp site (ORS 203.079).

Weapons, controlled substances, and items that appear to be either stolen or evidence of a crime shall be stored pursuant to department protocols and the Property and Evidence Policy.

430.7 MENTAL HEALTH ISSUES

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Officers should consider detaining the person under civil commitment when facts and circumstances reasonably indicate such a detention is warranted (see the Civil Commitments Policy).

430.8 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or City departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs, and supervisor notification.

Unauthorized Unmanned Aircraft Systems (UAS)

432.1 PURPOSE AND SCOPE

- (a) There is evidence of a considerable increase in the unauthorized use of small, inexpensive Unmanned Aircraft Systems (UAS) by individuals and organizations, including companies. The Federal Aviation Administration (FAA) retains the responsibility for enforcing Federal Aviation Regulations, including those applicable to the use of UAS. The FAA recognizes that State and local Law Enforcement Agencies (LEA) are often in the best position to deter, detect, immediately investigate, and, as appropriate, pursue enforcement actions to stop unauthorized or unsafe UAS operations.
- (b) The general public, a wide variety of organizations, including private sector (e.g., commercial companies), non-governmental (e.g., volunteer organizations), and governmental entities (e.g., local agencies) continue to demonstrate significant interest in UAS. The benefits offered by this type of aircraft are substantial and the FAA is committed to integrating UAS into the National Airspace System (NAS). This introduction, however, must address important safety and security considerations. The increasing number of cases of unauthorized use of UAS is a serious concern for the FAA and, in terms of safety and security challenges, many of its interagency partners.

432.2 LEGAL CONSIDERATIONS

- (a) The FAA's safety mandate under 49 U.S.C. § 40103 requires it to regulate aircraft operations conducted in the NAS, which include UAS operations, to protect persons and property on the ground, and to prevent collisions between aircraft and other aircraft or objects. In addition, 49 U.S.C. § 44701(a) requires the agency to promote safe flight of civil aircraft in air commerce by prescribing, among other things, regulations and minimum standards for other practices, methods, and procedures the Administrator finds necessary for safety in air commerce and national security.
- (b) A UAS is an "aircraft" as defined in the FAA's authorizing statutes and is therefore subject to regulation by the FAA. 49 U.S.C. § 40102(a)(6) defines an "aircraft" as "any contrivance invented, used, or designed to navigate or fly in the air." The FAA's regulations (14 C.F.R. § 1.1) similarly define an "aircraft" as "a device that is used or intended to be used for flight in the air." Because an unmanned aircraft is a contrivance/device that is invented, used, and designed to fly in the air, it meets the definition of "aircraft." The FAA has promulgated regulations that apply to the operation of all aircraft, whether manned or unmanned, and irrespective of the altitude at which the aircraft is operating. For example, 14 C.F.R. § 91.13 prohibits any person from operating an aircraft in a careless or reckless manner so as to endanger the life or property of another.
- (c) An important distinction to be aware of is whether the UAS is being operated for hobby or recreational purposes or for some other purpose. This distinction is important because there are specific requirements in the FAA Modernization and Reform Act of 2012, Public Law 112-95, (the Act) that pertain to "Model Aircraft" operations, which are conducted solely for hobby or recreational purposes. While flying model

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aircraft for hobby or recreational purposes does not require FAA approval, all model aircraft operators must operate safely and in accordance with the law. The FAA provides guidance and information to individual UAS operators about how they can operate safely under current regulations and laws. Guidance may be found at: http://www.faa.gov/uas/publications/model_aircraft_operators/.

- (d) Section 336(c) of the Act defines “Model Aircraft” as an unmanned aircraft that is:
 - 1. Capable of sustained flight in the atmosphere;
 - 2. Flown within visual line of sight of the person operating the aircraft;
 - 3. and Flown for hobby or recreational purposes.
- (e) Each element of this definition must be met for a UAS to be considered a Model Aircraft under the Act. Under Section 336(a) of the Act the FAA is restricted from conducting further rulemaking specific to Model Aircraft as defined in section 336(c) so long as the Model Aircraft operations are conducted in accordance with the requirements of section 336(a). Section 336(a) requires that:
 - (a) The aircraft is flown strictly for hobby or recreational use;
 - (b) The aircraft is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization;
 - (c) The aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;
 - (d) The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft; and
 - (e) When flown within 5 miles of an airport, the operator of the aircraft provides the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation (model aircraft operators flying from a permanent location within 5 miles of an airport should establish a mutually-agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport)).
- (f) Section 336(b) of the Act, however, makes clear that the FAA has the authority under its existing regulations to pursue legal enforcement action against persons operating Model Aircraft when the operations endanger the safety of the NAS, even if they are operating in accordance with section 336(a) and 336(c). So, for example, a Model Aircraft operation conducted in accordance with section 336(a) and (c) may be subject to an enforcement action for violation of 14 C.F.R. § 91.13 if the operation is conducted in a careless or reckless manner so as to endanger the life or property of another.
- (g) Operations of UAS that are not Model Aircraft operations as defined in section 336(c) of the Act and conducted in accordance with section 336(a) of the Act may only be operated with specific authorization from the FAA. The FAA currently authorizes non-hobby or recreational UAS operations through one of three avenues:

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- (a) The issuance of a Certificate of Waiver or Authorization, generally to a governmental entity operating a public aircraft;
 - (b) The issuance of an airworthiness certificate in conjunction with the issuance of a Certificate of Waiver or Authorization; or
 - (c) The issuance of an exemption under part 11 of title 14, Code of Federal Regulations that relies on section 333 (Special Rules for Certain Unmanned Aircraft Systems) of the Act for relief from the airworthiness certificate requirement, also in conjunction with the issuance of a Certificate of Waiver or Authorization.
- (h) It is important to understand that all UAS operations that are not operated as Model Aircraft under section 336 of the Act are subject to current and future FAA regulation. At a minimum, any such flights are currently required under the FAA's regulations to be operated with an authorized aircraft (certificated or exempted), with a valid registration number ("N-number"), with a certificated pilot, and with specific FAA authorization (Certificate of Waiver or Authorization).
- (i) Regardless of the type of UAS operation, the FAA's statutes and the Federal Aviation Regulations prohibit any conduct that endangers individuals and property on the surface, other aircraft, or otherwise endangers the safe operation of other aircraft in the NAS. In addition, States and local governments are enacting their own laws regarding the operation of UAS, which may mean that UAS operations may also violate state and local laws specific to UAS operations, as well as broadly applicable laws such as assault, criminal trespass, or injury to persons or property.
- (j) As an aircraft, UAS operations (including those involving Model Aircraft) must be conducted in accordance with the airspace-centric security requirements prescribed by the FAA's regulations and various implementation tools used by the FAA, specifically including airspace with special flight rules and Notices to Airmen (NOTAM) that define Temporary Flight Restrictions (TFR). It is important that UAS operators and LEAs be familiar with the airspace restrictions respectively relevant to their operations and their enforcement area of responsibility.
- (k) Flight restrictions are used to protect, but are not limited to, special security events, sensitive operations (e.g., select law enforcement activity, space flight operations, etc.), and Presidential movement. The most up-to-date list of TFRs is available at www.tfr.faa.gov.

432.3 PROCEDURES

- (a) The FAA promotes voluntary compliance by educating individual UAS operators about how they can operate safely under current regulations and laws. The FAA also has a number of enforcement tools available including warning notices, letters of correction, and civil penalties. The FAA may take enforcement action against anyone who conducts an unauthorized UAS operation or operates a UAS in a way that endangers the safety of the national airspace system. This authority is designed to protect users of the airspace as well as people and property on the ground.

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- (b) As noted above, State and local Law Enforcement Agencies (LEA) are often in the best position to deter, detect, immediately investigate, and, as appropriate, pursue enforcement actions to stop unauthorized UAS operations. Although the FAA retains the responsibility for enforcing FAA's regulations, FAA aviation safety inspectors, who are the agency's principal field elements responsible for following up on these unauthorized and/or unsafe activities, will often be unable to immediately travel to the location of an incident.
- (c) While the FAA must exercise caution not to mix criminal law enforcement with the FAA's administrative safety enforcement function, the public interest is best served by coordination and fostering mutual understanding and cooperation between governmental entities with law enforcement responsibilities. Although there are Federal criminal statutes that may be implicated by some UAS operations (see 49 U.S.C. § 44711), most violations of the FAA's regulations may be addressed through administrative enforcement measures. As with any other civil or criminal adjudication, successful enforcement will depend on development of a complete and accurate factual report contemporaneous with the event.
- (d) Although certainly not an exhaustive list, law enforcement officials, first responders and others can provide invaluable assistance to the FAA by taking the actions outlined below:
 - (a) **Witness Identification and Interviews.** Local law enforcement is in the best position to identify potential witnesses and conduct initial interviews, documenting what they observed while the event is still fresh in their minds. In addition, local law enforcement is in an optimum position to secure all information necessary for our safety inspectors to contact these witnesses in any subsequent FAA investigation. Administrative proceedings often involve very technical issues; therefore, we expect our own safety inspectors will need to re-interview most witnesses. We are mindful that in many jurisdictions, state law may prohibit the transmission of witness statements to third parties, including the FAA. In those circumstances it is extremely important that the FAA be able to locate and conduct independent interviews of these individuals.
 - (b) **Identification of Operators.** Law enforcement is in the best position to contact the suspected operators of the aircraft, and any participants or support personnel accompanying the operators. Our challenges in locating violators are marked in that very few of these systems are registered in any federal database and rarely will they have identifiable markings such as used for conventional manned aircraft. Likewise, information on few of the UAS operators will be archived in a pilot data base. Many operators advertise openly on the internet. However, in our enforcement proceedings, we bear the burden of proof, and showing who actually is operating the unmanned aircraft is critical. Therefore, evidentiary thresholds must be met even when using data or video acquired via the internet. Likewise, the purpose for the operation (such as in support of a commercial venture, to further some business interest, or to secure compensation for their services) may become an important element in determining what regulations, if any, may have been violated by the operation. Identification and interview of

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suspected operators early on will help immeasurably to advance enforcement efforts.

- (c) **Viewing and Recording the Location of the Event.** Pictures taken in close proximity to the event are often helpful in describing light and weather conditions, any damage or injuries, and the number and density of people on the surface, particularly at public events or in densely populated areas. During any witness interviews, use of fixed landmarks that may be depicted on maps, diagrams or photographs immeasurably help in fixing the position of the aircraft, and such landmarks also should be used as a way to describe lateral distances and altitude above the ground, structures or people (e.g. below the third floor of Building X, below the top of the oak tree located Y, anything that gives reference points for lay witnesses).
- (d) **Identifying Sensitive Locations, Events, or Activities.** The FAA maintains a variety of security-driven airspace restrictions around the country to help protect sensitive locations, events, and activities through Temporary Flight Restrictions (TFR), Prohibited Areas, and other mechanisms such as the Washington, DC Flight Restricted Zone (DC FRZ). UAS operations, including Model Aircraft flights, are generally prohibited within these defined volumes of airspace. LEAs should become familiar with the steady-state airspace restrictions active within their area of responsibility, along with as-needed TFRs, which could be instituted to help protect sensitive events (e.g., major gatherings of elected officials) and activities (e.g., Presidential movements). If there is any question as to whether a TFR has been established in a given location, contact the nearest air traffic facility or flight service station for further information or visit <http://tfr.faa.gov/tfr2/list.html> for a graphic representation of TFRs locatable by state and effective dates.
- (e) **Notification.** Immediate notification of an incident, accident or other suspected violation to one of the FAA Regional Operation Centers (ROC) located around the country is valuable to the timely initiation of the FAA's investigation. These centers are manned 24 hours a day, 7 days a week with personnel who are trained in how to contact appropriate duty personnel during non-business hours when there has been an incident, accident or other matter that requires timely response by FAA employees. The Western ROC can be contacted at 425-227-1999 or e-mail: 9-ANM-ROC@faa.gov.
- (f) **Evidence Collection.** Identifying and preserving any public or private security systems that may provide photographic or other visual evidence of UAS operations, including video or still picture security systems can provide essential evidence to the FAA. Many times these systems do not permanently store information but erase it as the system recycles at a given interval. Local law enforcement is in the best position to inquire and make initial requests to identify and preserve this form of evidence or obtain legal process for securing this evidence in the context of an investigation of a possible violation of state criminal law. In addition, some UAS may be marked with identification numbers ("N-numbers") signifying FAA registration. The presence or lack of these identification numbers may be significant in an FAA investigation. For example,

Unauthorized Unmanned Aircraft Systems (UAS)

an operator may state that they are conducting an approved commercial activity, which usually requires registered aircraft. However, the absence of registration markings on the UAS may indicate that the aircraft is not registered, meaning the operation may not be authorized. Note that identification numbers may not be conspicuous from a distance because of the size and non-traditional configuration of some UAS. The registered owners of UAS bearing identification numbers can be found by searching for the N-number on the FAA's website: www.faa.gov.

432.4 OTHER INFORMATION

- (a) Virtually all of the items listed above are already in the tool box for law enforcement officers. Other investigative methods also may prove useful, such as consensual examination of the UAS, equipment trailers and the like. However, other law enforcement processes, such as arrest and detention or non-consensual searches almost always fall outside of the allowable methods to pursue administrative enforcement actions by the FAA unless they are truly a by-product of a state criminal investigation.
- (b) With appropriate data collection during first responses and early reporting to the FAA, Federal, State and local agencies will be in the best position to both collect and share information that may be of interest to each jurisdiction. FAA aviation safety inspectors are adept at coordination with our own legal resources to ensure unauthorized operators are properly accountable for the potential risk they create to both people and property. In addition, the FAA has specially trained inspectors within the FAA UAS Integration office who can provide expertise in this area.
- (c) Questions regarding this program or assistance on planning on how to address these situations can be directed to the FAA's Law Enforcement Assistance Program Office at (202) 267-4641 or (202) 267-9411.

Suspicious Activity Reporting

433.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

433.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - Any individual(s) who have been reported to be engaging in suspicious activity, as defined in this policy.

Suspicious activity - Any reported activity (observed, verbal, written, electronic communication, etc.) that a person reasonably believes may have a nexus to any criminal act or attempted criminal act to include foreign and domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., “dry run,” creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device or other items that could be utilized to carry out the planned criminal acts).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious activity information relates to person(s) believed to be planning to engage or actively engaged in acts which include but are not limited to the following:

- Active shooter event
- Mass killing event
- Bombing and improvised explosive devices
- School-related threats
- Threats to critical infrastructure
- Threats to public safety and emergency responder personnel
- Threats to elected officials
- Domestic and foreign terrorism
- Threats to medical facilities

Suspicious Activity Reporting

- Threats to aircraft
- Reports of suspicious packages, parcels, and containers
- Threats of workplace violence (active shooter, mass killing, disruption of commerce via intentional sabotage)
- Cyber threats
- Criminal acts resulting in mass casualty events

Suspicious Activity Report (SAR) - An incident report/information report used to document suspicious activity.

433.2 POLICY

The Beaverton Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

433.3 RESPONSIBILITIES

The Investigations Division Captain and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigations Division Captain and authorized designees include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.
- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

Suspicious Activity Reporting

433.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the officer should prepare a SAR (information report in PSNet) and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in an information report and not included in the original incident report. The report number of the original incident should be included in the SAR/information report as a cross reference. A SAR/information report should be processed as any other incident report. A SAR/information report will be processed according to the content, i.e., relating to sensitivity of information, identified ongoing investigations and need to potentially protect identifying information of reporting persons from disclosure and risk of harm.

433.5 HANDLING INFORMATION

Police Records will forward copies of SARs/information reports, in a timely manner, to the following:

- Investigations Division Captain
- Intelligence Officer

Crisis Intervention Incidents

434.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

434.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage their behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

434.2 POLICY

The Beaverton Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

434.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Crisis Intervention Incidents

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

434.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Captain to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

434.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources (WCSO Mental Health Response Team, Crisis Intervention Training (CIT) officers, and/or CNU members) as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of their action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

Crisis Intervention Incidents

434.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

434.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request dispatch provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take their medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

434.8 SUPERVISOR RESPONSIBILITIES

A supervisor should be notified of any interaction with a person in crisis. Supervisors should evaluate the need to respond and:

- (a) Attempt to secure appropriate and sufficient resources.

Crisis Intervention Incidents

- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

434.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

434.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

434.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that they are interacting with a person in crisis, they should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to themselves or others, an officer should be promptly summoned to provide assistance.

434.11 EVALUATION

When appropriate, a Patrol Lieutenant shall prepare an after-action operational debriefing and an after-action evaluation of the incident and forward it to the Patrol Division Captain.

Crisis Intervention Incidents

The Division Captain designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

434.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

First Amendment Assemblies

435.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

435.2 POLICY

The Beaverton Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

435.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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435.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

435.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to WCCCA, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed. Management through ICS is more appropriate if the incident is going to be protracted and/or involve multiple agencies or diverse response functions.

435.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

435.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.

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- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

435.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles, and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
 - 1. The plan shall include officer identifiers affixed to the uniform and helmet that comply with ORS 181A.702.
 - (a) An officer shall not intentionally obscure any part of a uniform or helmet identifier.
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief, and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.

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- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

435.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

435.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, they or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

435.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt

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a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capicum (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Officers shall not use excessive force against any individuals, including any individuals engaged in non-violent civil rights demonstrations.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

435.8 ARRESTS

The Beaverton Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

435.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

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435.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

435.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, WCCCA records/tapes
- (g) Media accounts (print and broadcast media)

435.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

435.12 PUBLIC REQUEST OF OFFICER IDENTIFICATION

Officers shall provide their name, identification number, or unique identifier assigned by the Department to a person when requested if it is practical, safe, and tactically sound to do so at the time of request (ORS 181A.704).

The request may be satisfied by providing a department-issued business card.

435.12.1 INVESTIGATION OF OFFICER IDENTIFICATION

Upon request by a member of the public, the Department shall conduct an investigation to identify an officer as follows (ORS 181A.704):

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The member of the public has provided the following:

- The member of the public has provided the following:
 - A partial name
 - A full or partial badge number, or other identifying number
 - A photo of the officer
 - A full or partial license plate, or other identifying number from a police vehicle
 - A physical description
 - The location, date, and time when the officer was present

Within seven days of receiving the request, the department shall confirm to the requester receipt of the request.

- Within 14 days after receiving the request, the department shall provide the requester:
 - The name and the number assigned to the officer by the Department of Public Safety Standards and Training; or
 - An explanation of why the identification could not be performed.
- If the requester provided a full badge number, the department shall provide the name of the officer within 14 days after receiving the request.

Identification shall not be provided if the officer is participating in an undercover law enforcement operation (ORS 181A.704).

435.13 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

Medical Aid and Response

436.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

436.2 POLICY

It is the policy of the Beaverton Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

436.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, opioid overdose medication, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact WCCCA and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide WCCCA with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex, and age, if known.
 - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

Medical Aid and Response

436.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Members should not provide emergency escort for medical transport or civilian vehicles.

436.4.1 TRANSPORTING ILL AND INJURED PERSONS IN CUSTODY

When practical and safe to do so, officers should search any person who is in custody before releasing that person to EMS for transport. If EMS personnel requests an officer to accompany any person in custody during transport in an ambulance, the officer shall receive supervisor approval.

436.5 PERSONS REFUSING EMS CARE

If a person (in custody or not) refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported without specific authority. An officer may consider, as appropriate, contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person. In cases where mental illness may be a factor, the officer should consider proceeding with a civil commitment in accordance with the Civil Commitments Policy.

If no authority exists with a civil commitment, the officer should consult with EMS personnel to determine if Washington County EMS Protocol 50.117 (EMS Refusal and Informed Consent) applies. Washington County EMS Protocol 50.117 provides the authority for EMS personnel to provide immediate care to save a life or prevent further injury.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment. All efforts consistent with this section shall be thoroughly documented in the appropriate report.

[See attachment: EMS Protocol 50.117 2019-EMS-Consortium-Protocols.pdf](#)

436.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, they should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall notify a supervisor when transporting an arrestee to a hospital or other medical care facility.

Medical Aid and Response

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

436.7 MEDICAL ATTENTION FOR RESTRAINED PERSONS

When an officer encounters a restrained person suffering a respiratory or cardiac compromise, the officer shall request EMS services immediately if (ORS 133.518):

- (a) It is tactically feasible to make the request.
- (b) The officer has access to communications.

436.8 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and TASER Device policies.

436.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

An AED should only be used by members who have completed a course with published standards and guidelines for CPR and the use of an AED.

436.9.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure the audible alarm is not activated. The alarm may indicate the equipment is not properly charged and/or functioning.

Any AED that is not functioning properly will be taken out of service and given to the Support Specialist in Patrol who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact WCCCA as soon as possible and request response by EMS.

436.9.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

436.9.3 AED TRAINING AND MAINTENANCE

The Training Sergeant shall ensure appropriate training is provided to members authorized to use an AED.

The Support Specialist in Patrol is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

Medical Aid and Response

- (a) The AEDs shall be inspected quarterly by the Support Specialist in Patrol to ensure the equipment is properly charged and functioning. The results shall be documented on the appropriate form.

436.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocols specified by the physician who prescribed the overdose medication for use by the member.

436.10.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are trained, certified, and qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Inventory Control Specialist in Patrol.

Any member who administers an opioid overdose medication should contact WCCCA as soon as possible and request response by EMS.

436.10.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication shall detail its use in an appropriate report.

436.10.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Sergeant shall ensure training is provided to members authorized to administer opioid overdose medication.

436.11 FIRST AID TRAINING

Subject to available resources, the Training Sergeant shall ensure officers receive training on CPR and first aid every two years (alternating years).

Civil Disputes

437.1 PURPOSE AND SCOPE

This policy provides members of the Beaverton Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Oregon law.

437.2 POLICY

The Beaverton Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

437.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

Civil Disputes

437.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

437.4.1 STANDBY REQUESTS

Courtesy standby requests for retrieval of property, i.e. those not required by law or court order, can be performed at the discretion of the officer and with the approval of a supervisor. The officer should weigh the benefit of assisting and eliminating potential future disputes between the parties against the complexity of many civil matters and the potential for later civil claims against the Department.

If a standby is performed, the officer should meet the requesting person at a neutral location to discuss the process. The officer shall advise them that disputed items will not be allowed to be removed and the length of time the officer will be present for the standby. Officers should accompany the person to the location of the property and gain the other parties' consent for the removal of the property. If the other party is uncooperative, no standby will be performed and officers shall not order them to allow entry or the removal of any items. If the other party is not present at the location, the officer will not authorize entry into the location or the removal of property from the location and will not conduct a standby.

If a standby is not performed, the officer should advise the person to seek private legal advice as to the distribution of disputed property.

437.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

Civil Disputes

437.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Aircraft Accidents

438.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

438.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

438.2 POLICY

It is the policy of the Beaverton Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

438.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

438.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

Aircraft Accidents

438.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

438.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Medical Examiner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

438.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.

Aircraft Accidents

- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

438.8 DOCUMENTATION

All aircraft accidents occurring within the City of Beaverton shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of BPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

438.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

438.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of their observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

438.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should

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Aircraft Accidents

be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic crashes. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on crash data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in crash situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Beaverton Police Department. Information provided by the DMV and ODOT is a valuable resource for traffic crash occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

Other factors to be considered for deployment are community member requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating an officer's overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Officers attempting to enforce traffic laws shall be in Beaverton Police Department uniform or shall conspicuously display an official identification card showing the officer's lawful authority (ORS 810.400). Several methods are effective in the reduction of crashes:

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Traffic Function and Responsibility

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

Officers at the scene of a traffic crash and, based upon the officer's personal investigation, having reasonable grounds to believe that a person involved in the traffic crash has committed a traffic offense in connection with the crash, should issue the person a citation for that offense (ORS 810.410(4)).

500.3.3 PHYSICAL ARREST

Officers may arrest or issue a citation to a person for a traffic crime at any place within the state.

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to ORS 810.410.

Officers should attempt to interview the violator to obtain evidence that the violator knew their license was suspended. Ask if the violator is still living at the address on file with DMV and if not, how long since they moved and why they haven't notified DMV of their new address.

If a computer check of a traffic violator's license status reveals a suspended or revoked drivers license and the traffic violator still has their license in possession, the license shall be seized by the officer.

500.5 HIGH-VISIBILITY VESTS

The Beaverton Police Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; OAR 437-002-0134).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

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500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests shall be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests shall be worn include traffic control duties, traffic crash investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.6 TRAFFIC DIRECTION AND CONTROL

It is the policy of this department to provide traffic direction and control at the scene of crashes or any other time that traffic movement is significantly impacted due to some past or current incident or condition.

- (a) Flare and/or cone patterns will be used whenever necessary to safely affect changes in normal traffic pattern flow. The Public Works Department should be notified if alternative signalization, such as flashing signals, is required at an intersection.
- (b) Whenever possible, patrol vehicles will be situated with all emergency lights in operation to provide notice to the motoring public that a traffic officer is present and providing direction. Uniform hand signals and gestures to direct and control traffic, including “stop”, “start”, “left turn”, and “right turn” should be a temporary measure until other means of traffic direction is established.
- (c) Incidents that occur requiring lengthy traffic control will be evaluated by a patrol supervisor who may consider alternative temporary traffic plans, establish barricades and/or detour routes, or other temporary traffic control devices.
- (d) Crashes or incidents that occur at night or in conditions with limited visibility will be supplemented by the use of flares, flashlights, or other reflectorized /illuminated devices.
- (e) All new police personnel will receive the basic tenets of proper traffic control during their basic certification field training. New or updated ideas will be disseminated at Patrol briefings, as they become available. Recruit police officers will spend time with traffic safety personnel during FTEP (Field Training Evaluation Program).

500.7 OTHER HAZARDOUS ROAD CONDITIONS

When an officer becomes aware of a hazardous road condition, the officer will immediately notify dispatch of the condition and location. The officer will then in a safe and prudent manner, take appropriate corrective action to remove the hazardous road condition.

When an officer is responding to a priority one call and becomes aware of a hazardous road condition, with approval of the Patrol Supervisor, a second officer may be dispatched to take care

Traffic Function and Responsibility

of the hazardous road condition so the initial officer may continue to respond to the priority one call.

If the hazardous condition is weather related (high water, ice, snow, etc.), the officer will take appropriate action to safeguard vehicle traffic until the hazardous condition is made safe or is no longer present, which may include but is not limited to, contacting the Public Works Department, setting a flare pattern, erecting barricades, closing a road and/or blocking the hazard with a marked patrol unit.

500.8 TOWING

Appropriate and reasonable resources shall be allotted for traffic control of congestion at crash scenes. Utmost consideration shall be given to the prevention of further crashes. Towing of disabled vehicles shall be alternated among the authorized towing companies unless the driver(s) express a towing preference.

Traffic Crash Reporting

501.1 PURPOSE AND SCOPE

The Beaverton Police Department prepares traffic crash reports in compliance with Oregon Revised Statutes 810.460 and 811.720 relating to reports of traffic crashes to the Oregon Department of Transportation and, as a public service makes traffic crash reports available to the community with some exceptions.

501.2 RESPONSIBILITY

Officers shall respond to all reported motor vehicle crashes and conduct an investigation as required. Traffic crashes that qualify will be documented using the Oregon Police Traffic Crash Report. The Professional Standards Lieutenant or authorized designee will receive all changes in the Oregon Police Traffic Crash Report Instruction Manual and ensure conformity with this policy.

501.3 TRAFFIC CRASH REPORTING

All traffic crash reports taken by members of this department shall be submitted for approval and data entry into the Records Management System.

501.4 REPORTING SITUATIONS

501.4.1 TRAFFIC CRASHES INVOLVING POLICE VEHICLES AND DEPARTMENT EMPLOYEES

A. Investigation/Reporting

1. All crashes upon a roadway, highway, and premises open to the public, or private property involving City-owned vehicles and department employees or volunteers wherein damage or injury occurs shall be investigated.
 - a. The investigation and subsequent reporting shall be conducted by another law enforcement agency.
 - b. Traffic crashes that qualify will be documented using the Oregon Police Traffic Crash Report form 735-46A.
 - c. Photographs of the crash scene and vehicle damage shall be taken by a supervisor or the authorized designee.
 - d. The City's "All-in-One Accident Report" shall be completed and forwarded to the Division Captain via chain of command and the City's Risk and Safety Officer.
 - e. The involved employee is responsible for submitting a DMV Traffic Accident and Insurance Report form when required.
2. A General Information report may be taken by this department in lieu of the above at the direction of a supervisor when the crash does not involve another party's moving or occupied vehicle, the damage does not meet the DMV reporting threshold, and/or there are no injuries.

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B. Notification

1. When an employee of this department, while driving a City-owned vehicle, is involved in a traffic crash resulting in significant vehicle or property damage, a protracted injury or a fatality, notification shall be made via chain of command as soon as practical.

C. Towing

1. If a City-owned vehicle is damaged to the point that it needs to be towed from the scene, Anderson's Towing Company shall be used to tow the City-owned vehicle.

501.4.2 TRAFFIC CRASHES INVOLVING VEHICLES OR PROPERTY OF OTHER GOVERNMENT EMPLOYEES OR OFFICIALS

- (a) All crashes involving government vehicles or property (e.g., TriMet vehicles, school buses, etc.) shall be investigated. In the event the damage involves non city-owned property, the officer shall identify the appropriate public entity and notify accordingly.
- (b) The officer shall notify the City's Risk and Safety Officer of any City-owned property damage by completing the "All-in-One Accident Report" found on the City's IntraWeb.
- (c) The Patrol Lieutenant may request assistance from an outside agency for the investigation of any traffic crash involving any Beaverton official or employee where a serious injury or fatality has occurred.

501.4.3 TRAFFIC CRASHES ON PRIVATE PROPERTY

Traffic crash reports shall not be taken for crashes occurring on private property unless there is a death or incapacitating injury to any person involved, a hit-and-run, or a violation that ORS allows an officer to issue a citation when the violation occurs on private property. A General Information Report may be taken at the discretion of any supervisor.

501.4.4 TRAFFIC CRASHES ON HIGHWAYS OR PREMISE OPEN TO THE PUBLIC

Traffic crash reports shall be taken when they occur on a highway or premise open to the public within this jurisdiction in the following cases:

- (a) Per ORS 810.460, 811.720 and 811.725 a police officer shall submit a report to the Department of Transportation whenever the officer responds to any of the following:
 - (a) A traffic crash resulting in death or an incapacitating injury to any person. "Incapacitating injury" is defined as an injury, other than a fatal injury, that prevents the injured party from walking, driving, or normally continuing the activities they were engaged in or capable of performing before the injury occurred. It includes severe lacerations, broken or distorted limbs, skull or chest injuries, abdominal injuries, loss of consciousness at the crash scene, or is physically unable to leave the crash scene without medical assistance.
 - (b) A traffic crash resulting in damage to the property of any person in excess of \$2,500.
 - (c) A traffic crash resulting in a vehicle involved in the crash being damaged to the extent that the vehicle must be towed from the scene.

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- (d) DUI.
 - (e) Failure to Perform the Duties of a Driver when there are investigative leads. (An Incident number will be provided for all others.)
 - (f) Reckless Driving.
 - (g) Hazardous materials are involved.
 - (h) There is evidence of having been struck by a bullet (Oregon Revised Statutes 822.600).
- (b) The crashes shall be documented on Oregon Police Traffic Crash Report form 735-46A.
 - (c) If a driver is transported from the scene of a crash by medical personnel "for observation or precautionary reasons", officers will either complete the Oregon Police Traffic Crash Report Form 735-46A, or officers will record enough information in their notebooks and/or citation to be able to complete the report should it be required later.
 - (d) A copy of the crash information exchange form from all parties involved will be filed with Police Records and held for a period of 30 days. All exchange forms will include either a CAD or case number.

501.5 CRASHES INVOLVING PROPERTY DAMAGE

Unless a traffic crime is involved, property damage crashes may be either investigated or handled by driver information exchange. In the event of an information exchange, officers will ensure that all involved drivers are properly licensed and insured. Officers will confirm that the information exchange forms are properly completed, and should further assist drivers by distributing state accident forms if circumstances require the filing of that form. A copy of the crash information exchange form will be filed with Police Records and kept for a period of 30 days.

501.6 NOTIFICATION OF TRAFFIC DIVISION SUPERVISION / CART

In the event of a traffic crash involving a serious injury or fatality, the Patrol Supervisor shall notify the Patrol Lieutenant and contact the Traffic Division Supervisor or the Washington County Crash and Reconstruction Team (CART) Supervisor to request a CART investigation of the traffic crash.

501.7 ALTERCATION RELATED TO CRASH

When investigating a crash involving a disturbance between those involved, the drivers shall be separated and interviewed. Appropriate enforcement action in regards to behavior involved in the traffic matter shall be at the discretion of the investigating officer, if action is not required by ORS.

501.8 CRASH ANALYSIS AND SELECTIVE ENFORCEMENT

The Department shall collect crash data and conduct traffic crash analysis in support of our selective traffic enforcement program. The department will cooperate with the Oregon Department

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of Transportation (ODOT) and the Beaverton City Engineer's Department in the mission of traffic safety engineering.

- (a) The Traffic Safety Team (TST) has shared responsibility together with the patrol division to investigate crashes and provide early analysis of cause factors for selective enforcement programs.
- (b) Officers shall complete the Oregon Department of Motor Vehicle-Oregon Police Traffic Crash Report for all crashes investigated. Copies will be submitted for distribution and recording to the necessary agencies, which include the Department of Motor Vehicles and ODOT.
- (c) The Department will conduct crash analysis through the use of the DMV report and the annual ODOT Crash Summary provided by the City of Beaverton Traffic Engineer.
- (d) Data will be analyzed to determine location, day, time, and violation type that cause or contribute to the collisions. Traffic units will utilize this data for selective enforcement, and patrol units will be given data on hazardous locations within assigned patrol districts to assist the TST in their mission.

Vehicle Tow, Impound, and Release

502.1 PURPOSE AND SCOPE

The Beaverton City Code authorizes the department to tow certain vehicles found in violation of the Beaverton Uniform Traffic Ordinance and the Vehicle Impoundment Ordinance. These vehicles include, but are not limited to, abandoned vehicles, hazardous vehicles, and immobilized vehicles. The purpose of this policy is to establish procedures for the towing and releasing of vehicles.

502.2 POLICY

It is the policy of the department that the procedures set forth in the Oregon Revised Statutes, Chief of Police Uniform Traffic Ordinance, BC 6.02.010 - 6.02.900, and the Vehicle Impoundment Ordinance, BC 6.05.005 - 6.05.150 shall be followed for the towing and releasing of vehicles covered by those ordinances, and conducting hearings on vehicles towed pursuant to those ordinances.

See attachment: [Policy 502 Uniform Traffic and Parking Ordinances 08-21 BC 6.02.010 - 6.02.720.pdf](#)

502.3 IMPOUNDING VEHICLES

See attachment: [Vehicle Impoundment Ordinance BC 6.05.005 -.150.pdf](#)

502.3.1 IMPOUNDING VEHICLES

- (a) A vehicle impounded at the request of a member of this department shall be taken to the towing company storage lot, unless the vehicle requires special processing or security as determined by the on-duty supervisor, at which time the vehicle may be towed to a law enforcement storage facility.
- (b) The department member who impounds the vehicle shall complete the vehicle section of an Incident or Custody report.
- (c) The initiating officer shall cause Records personnel to enter the towed vehicle information into LEDS, stating the reason for the tow.
- (d) For abandoned vehicles, the following shall also apply:
 - 1. Officers who discover possible abandoned vehicles may post a Towing and Impound Notice on the vehicle. Officers will complete an Abandoned Auto Worksheet, insuring that all LEDS related information is obtained. The worksheet shall be forwarded to Community Services Officer personnel.
 - 2. Once notified of the possible existence of an abandoned auto, Community Services Officers shall be primarily responsible for processing the case.
 - 3. Community Services Officers shall follow the requirements of the City's Vehicle Impoundment Ordinance in processing abandoned vehicles.

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Vehicle Tow, Impound, and Release

- (e) For recovered stolen vehicles, Records personnel shall provide owner's contact information to the towing entity that assumes control of the vehicle.
- (f) Members who become aware a vehicle may have been towed by the department in error should promptly notify a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or the owner's agent to request a hearing to contest the tow.

502.3.2 COMMUNITY CARETAKING IMPOUNDS

- (a) A vehicle may be towed when an officer has lawfully stopped a vehicle and believes the vehicle is:
 - 1. A traffic hazard or obstruction to pedestrian/bicycle/vehicle traffic on a public right of way and no third party is present; who is insured, licensed, and legal to drive with the consent of the vehicle owner.
 - 2. A public safety hazard
 - (a) The driver is arrested for DUI and no third party is present; who is insured, licensed, and legal to drive with the consent of the vehicle owner, or;
 - (b) The vehicle is blocking a public or private access, impeding vehicles from accessing the building or property and no third party is present; who is insured, licensed, and legal to drive with the consent of the vehicle owner, or
 - 3. A likely target of theft and/or vandalism; the vehicle is parked in a location where the threat of theft and/or damage is imminent and no third party is present; who is insured, licensed, and legal to drive with the consent of the vehicle owner.
- (b) It is the policy of the department that the procedures set forth in ORS 809.710 to .725 shall be followed when an officer has impounded a vehicle. The department may provide members with a form to effectuate the Community Caretaking statute and to serve as a Notice of Impoundment to the driver.

502.3.3 RECOVERED STOLEN VEHICLE IMPOUNDS

- (a) When a vehicle has been reported as stolen is recovered by a department member and after the vehicle is cleared from LEDS, the following procedures shall apply when releasing the vehicle:
 - 1. If the registered owner can respond in a timely manner and retrieve the vehicle, the officer will release the vehicle to them.
 - 2. If the registered owner requests a third party respond and retrieve the vehicle and they can do so in a timely manner, the officer will release the vehicle to the third party after reasonable measures are taken to confirm their identity. The officer will document the information in the report.
 - 3. If the registered owner is unavailable or unable to respond but there are specific instructions in the LEDS hit regarding the disposition of the vehicle (e.g. "DO NOT TOW", "NOTIFY THE OWNER AND LEAVE AT LOCATION", etc.), the officer will follow the instructions of the entering agency. The officer should

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document the LEDS instructions and any communication with the registered owner.

4. If the registered owner or their designee cannot respond within a reasonable amount of time, the officer will have the vehicle towed.
- (b) For recovered stolen vehicles, Records personnel shall provide owner's contact information to the towing entity that assumes control of the vehicle (ORS 98.857).

502.3.4 OPPORTUNITY TO REMOVE PROPERTY

In the event the owner, operator, or occupant of a vehicle to be impounded is present at the scene and not subject to arrest, the officer shall provide notice and opportunity to that person to take readily retrievable personal belongings (e.g., purse, backpack, cigarette pack) from the vehicle that are not considered evidence or contraband.

502.4 NOTICE PRIOR TO TOW

When circumstances permit, (e.g., when towing a vehicle for parking or registration violations and the vehicle does not constitute a hazard), a good-faith effort should be made to provide notice that is reasonably calculated to apprise the owner of the vehicle that it is subject to towing and impoundment.

502.5 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through WCCCA to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member.

Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or comply with posted signs.

502.6 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed (ORS 809.720):

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- The vehicle can be legally parked, left in a reasonably secure and safe location, and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing, and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

502.7 INVESTIGATIVE HOLD

After receiving supervisor approval, an officer may place an investigative hold on a vehicle only when additional investigation requires its retention during an intervening period of time such as seeking consent or applying for a search warrant.

502.8 VEHICLES TOWED FOR CIVIL FORFEITURE

- (a) Vehicles seized for civil forfeiture may be towed to the contract towing company's storage lot or to a law enforcement storage lot. Appropriate notice and copies of notice shall be served or delivered to those people required to receive notice of the seizure of the vehicle.
- (b) If a vehicle seized for civil forfeiture is later returned to its owner, the owner would be responsible for paying all liens for towing and storage unless the Criminal Investigations Division's supervisor authorizes other arrangements.

502.9 VEHICLE INVENTORIES

- (a) All vehicles lawfully impounded by the department shall be subject to the City's Vehicle Inventory Ordinance.
- (b) The purpose of the inventory is threefold:
 1. To protect private property while in police custody;
 2. To reduce or prevent the assertion of false claims for lost or stolen property; and,
 3. To protect people and property from any hazardous condition or instrumentality that may be associated with the vehicle.
- (c) The inventory of property in a vehicle is not a search for evidence of criminal activity. Items should be scrutinized only to the extent necessary to complete an accurate inventory list. The Vehicle Inventory List shall be completed and made a part of the appropriate report.
- (d) It is the policy of the department that the procedures set forth in the Vehicle Inventory Ordinance, BC 6.05.200 -.240 shall be followed for vehicles subject to an inventory.

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- (e) If during the inventory, the officer discovers valuable or dangerous property, the officer will release the property to the occupant that the officer reasonably determines may rightfully and legally possess it. The officer will record on the inventory form the names of the persons he released each item of valuable or dangerous property.
- (f) If the officer cannot determine the owner of the valuable or dangerous property, then the officer shall seize the property for safekeeping, give the controller of the vehicle a property receipt, and log the property into the property room.
- (g) Members may seize contraband or evidence of criminal activity discovered during the inventory.

See attachment: [Policy 502 - Vehicle Inventory Ordinance 10-17- BC 6.05.200 -.240.pdf](#)

502.10 NOTICE AFTER IMPOUND

Within 48 hours, excluding weekends and holidays, of a vehicle being towed, it shall be the responsibility of the Records Unit to send a notice of tow to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail. The notice shall include (ORS 819.180):

- (a) That the vehicle has been taken into custody and towed; the identity of the appropriate towing authority and the statute, ordinance or rule under which the vehicle has been taken into custody and towed.
- (b) The location of the vehicle, or the telephone number and address of the authority that will provide that information.
- (c) That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice and the daily storage charges.
- (d) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.
- (e) That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and towing it, and to contest the reasonableness of the charges for towing and storage if a hearing is requested in a timely manner.
- (f) The time within which a hearing must be requested and the method for requesting a hearing.
- (g) That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession, and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority.

502.11 RELEASE OF TOWED VEHICLES

To further implement the procedures for releasing vehicles towed under city ordinance or state statute, the following shall apply:

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- (a) The release of towed vehicles and removal of vehicle information from the LEDS system shall be the responsibility of Police Records.
- (b) All impound fees on vehicles in police custody at a storage facility will be paid prior to the release of the vehicle.
- (c) A copy of the Vehicle Release Form shall be placed in the tow file upon release of a vehicle.

502.12 TOW HEARINGS

- (a) The procedures for most hearings are found in the Beaverton City Code and ORS. Please refer to the following sections for reference:
 - 1. Section 502.2 - Traffic Ordinance, BC 6.02.010 - 6.02.900
 - 2. Section 502.3 - Vehicle Impoundment Ordinance, BC 6.05.001 - 6.05.150
 - 3. Section 502.2 - ORS 809.710 - 809.725
 - 4. Section 502.9 - Vehicle Inventory Ordinance, BC 6.05.200 - 6.05.235
- (b) If a hearing is not covered within the appendices in this order, and if a vehicle owner contends that the vehicle was improperly towed, the owner shall be informed that they may have a hearing in the Municipal Court in order to test whether there were reasonable grounds and a basis in fact to tow the vehicle. If a proper factual basis did not exist at the time of the tow, as determined by the Court, the owner shall be reimbursed for the tow and impound of the vehicle.

Traffic Citations

503.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

503.2 RESPONSIBILITIES

Police Records shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

503.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request via written memorandum, or in-person at the court proceeding that the court dismiss the citation.

503.4 VOIDING TRAFFIC CITATIONS

A traffic citation may be voided until such time as it has been entered into the court database. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to Police Records.

503.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of amendment, the officer issuing the citation shall submit the citation and a "Motion to Amend Citation" requesting a specific amendment. The citation and motion shall then be forwarded to the appropriate court.

503.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be filed with Police Records prior to the end of the issuing officer's shift.

Upon separation from employment with the department, all employees issued traffic citations books shall return any unused citations to Police Records.

Disabled Vehicles

504.1 PURPOSE AND SCOPE

Public safety, and the Beaverton Police Department's commitment to service, requires that officers place a high priority on assisting disabled motorists. This policy provides guidelines for achieving that objective.

504.2 POLICY

It is the policy of the Beaverton Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

504.3 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance.

504.4 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

504.4.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The changing of a tire or the use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

504.4.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

504.4.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport them to a safe area to await pickup.

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 POLICY

It is the policy of the Beaverton Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.2 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - (a) Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - (b) Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - (c) If assistance is warranted, or if the incident is not routine, notify a supervisor or the Patrol Lieutenant.
 - (d) Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - (e) Collect any evidence.
 - (f) Take any appropriate law enforcement action.
 - (g) Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

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any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.3.3 INTERVIEWS OF CHILD WITNESSES

A member who interviews a child witness should notify the child's parent or guardian prior to the interview, unless the child's safety would be compromised. For purposes of this subsection, a child witness is an unmarried person who is under the age of 18 and who is not the victim of, suspect in, or related to the suspect in a child welfare, criminal, or delinquency investigation (2021 Oregon Laws, c.335).

In order to minimize disruption at school and cooperate with school officials, officers who interview a student at school should comply with procedures established by the school district involved, so long as those procedures do not conflict with law enforcement's statutory authority.

600.4 COLLECTION OR MAINTENANCE OF SPECIFIC INFORMATION

The collection or maintenance of information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership shall occur only when the information directly relates to a criminal investigation and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct (ORS 181A.250).

600.5 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.5.1 AUDIO/VIDEO RECORDINGS

Generally, except where circumstances make it impracticable, custodial interviews regarding felony offenses should be electronically recorded. When such custodial interviews are conducted in a law enforcement facility, electronic recording of the interview is mandatory absent good cause not to record if the interview is conducted (ORS 133.400):

- (a) In connection with an investigation into aggravated murder, as defined in ORS 163.095, or in connection with Measure 11 crimes listed in ORS 137.700 or ORS 137.707; or
- (b) A custodial interview of a person 17 years of age or under involving an investigation into a misdemeanor or a felony or an allegation that the juvenile being interviewed committed an act that would be a misdemeanor or a felony if committed by an adult shall be recorded, absent good cause not to record the interview (ORS 133.402), if:
 - 1. The interview is conducted at a courthouse or at any law enforcement agency authorized to detain juvenile offenders; or
 - 2. The interview is conducted anywhere else and the officer is wearing a body-worn camera.

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If an interviewee expresses an unwillingness to have the custodial interview electronically recorded but agrees to speak to investigators without such recording, the interviewing officer or detective should document the refusal in their report and request that the interviewee sign a written statement or provide a recorded statement of their refusal to have the interview recorded.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law (ORS 165.540).

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes. Electronic recording of a custodial interview shall be preserved until the conclusion of the criminal proceeding or youth adjudication proceeding, including post-conviction relief and habeas corpus appeals are exhausted, or until the prosecution of the offense is barred by law (ORS 133.400).

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.6 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - (a) In these cases, the investigator should document that the person was warned and why prosecution was not sought.
 - (b) Warnings shall not be given for felony offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

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The Domestic Violence, Child Abuse, Sexual Assault Investigations and Vulnerable Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.7 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence.

If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using their own equipment, the member should note the dates, times and locations of the information and report the discovery to their supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

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Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Captain, the Deputy Chief, or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

Eyewitness Identification

602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide procedures for obtaining objective results when preparing and conducting lineups and showups.

602.1.1 DEFINITIONS

Definitions related to the policy include:

- **Blind Presentation** - The presenter does not know who the suspect is. Also known as double-blind presentation.
- **Blinded Presentation** - The equivalent of a blind presentation; conducted when the presenter knows who the suspect is. Also known as functionally equivalent presentation.
- **Confidence Statement** - A witness's statement about his selection and of his confidence that his selection is the suspect; taken immediately after a pick has been made.
- **Photo Lineup** - A presentation of photographs of persons.
- **Presenter** - The officer presenting a lineup.
- **Showup** - A presentation of a live person in the field that is close in time and proximity to the incident under investigation.
- **Sequential** - A presentation of photographs one at a time, retrieving one photo before presenting another.
- **Simultaneous** - A presentation at the same time of photographs arrayed together, either manually constructed or computer generated.

602.2 POLICY

It is the policy of this agency that eyewitness identifications be conducted in a manner most likely to assess witnesses' true and reliable recollections and in compliance with state and federal constitutional requirements.

602.3 INTERPRETIVE SERVICES

If a witness to a criminal offense does not fluently speak the English language or otherwise has difficulty communicating (e.g. hearing impaired), officers should make reasonable efforts to arrange for an interpreter before proceeding with an eyewitness identification. Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the process that will be utilized to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

Eyewitness Identification

602.4 EYEWITNESS IDENTIFICATION FORM

- (a) Instructions to witnesses shall be read from the Eyewitness Identification form, which shall also include the witnesses' affirmation of their confidence statements.
- (b) In addition to documentation in the incident report(s) and on Eyewitness Identification forms, when it is reasonable and practical presenters should record the presentations.
- (c) Lineups, forms, and recordings shall be treated as evidence, with copies of the lineups and forms included in the case file, whether or not the witnesses made identifications.
- (d) If a photo lineup is developed electronically, the lineup shall be printed for documentation.
- (e) See also Post-Presentation Interview and Documentation.

[See attachment: Policy 602 Eyewitness Identification Lineup Form 11-14.pdf](#)

[See attachment: Policy 602 Eyewitness Identification Showup Form 11-14.pdf](#)

602.5 EYEWITNESS IDENTIFICATION

When a photo lineup is used for suspect identification, a blind or blinded sequential presentation should be made; consequently, the procedures that appear below are designed primarily for blind or blinded sequential presentations. If another photo lineup method is used, including a simultaneous presentation or a sequential presentation that is not blind or blinded, the reason(s) for using that method shall be documented.

602.5.1 DEVELOPMENT OF A PHOTO LINEUP

- (a) Officers should obtain a thorough suspect description from each witness before developing a photo lineup. (Note that variant witness descriptions may require the presentation of different photo lineups to different witnesses.)
- (b) A photo lineup shall consist of no fewer than six photographs, including one of the suspect.
- (c) All photos should be similarly sized and none should be easily distinguished from the others.
 - 1. Filler photographs (not of a suspect) should generally fit the witness's(es's) description of the suspect. Because all photographs possess both common and variable features, the common features should be those that match the witness's(es's) description, whereas the remaining (i.e., nonrecalled or undescribed) features may vary.
 - 2. When there is limited or insufficient suspect description or when the suspect description differs significantly from the available photograph(s) of the suspect, the filler photographs should resemble the suspect photograph, not the description.

Eyewitness Identification

- (d) The photos shall be numbered and shall be loose or in individual folders.
- (e) When conducting a single lineup for multiple witnesses, the photographs should be renumbered for each witness.

602.5.2 PRESENTATION OF PHOTO LINEUP

- (a) Instructions to Witnesses.
 - 1. Prior to a presentation, the presenter shall read the witness instructions from the Eyewitness Identification form, ensuring and documenting that the witness understands the instructions.
- (b) Blind Presentation
 - 1. In a blind presentation, the identity of the suspect is not known to the presenter.
 - 2. The presenter shall present the photos to the witness sequentially, with one photo replacing another so that no two are presented at the same time.
 - 3. The presenter shall present each photo to the witness, even if the witness identifies a previous photo as the suspect.
 - 4. If, during the same presentation, the witness asks to see one or more photos again, the presenter may conduct the same presentation a second time but must present all of the photos, using the same method.
- (c) Blinded Presentation
 - 1. If the presenter knows who the suspect is, an extra measure should be taken to prevent the presenter from knowing which photo is being shown to the witness.
 - (a) The photos shall be placed in identical folders, with the folders shuffled and numbered, and each photo shall be presented such that only the witness can see the photo; the presenter is thus "blinded" to the process and cannot be suggestive.
 - (b) The presentation shall continue as in b.2 above.
- (d) Post-Presentation Interview and Documentation
 - (a) Following the presentation of a photo lineup, the presenter should avoid any words or actions that might identify the suspect or hinder further investigation.
 - (b) If the witness picks a photo, the presenter shall ask the witness to describe why the photo was selected and to describe the confidence they have in the selection. The presenter should obtain a description of that confidence, not just a scaled assessment (e.g., not "90% sure" or "six out of ten"). The witness' responses to the questions, commonly referred to together as a "confidence statement." Shall be carefully documented on the Eyewitness Identification form and, later, more completely in the report.
 - (c) The presenter shall ask the witness to affirm the confidence statement on the Eyewitness Identification form.

Eyewitness Identification

602.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

Presentations separated by time but involving the same suspect are discouraged. It is recommended that a suspect not be presented for identification more than once in any form. If this does occur, the reason(s) why a subsequent presentation was made shall be documented.

602.6.1 FIELD IDENTIFICATION/SHOWUP CONSIDERATIONS

Photo lineups are preferable to showups; however, some circumstances require the prompt display of a suspect to a witness. Showups should be conducted as follows:

- (a) Consider if a photo lineup can be conducted instead.
- (b) Obtain a thorough description of the suspect from each witness prior to the showup.
- (c) Ensure all officers avoid suggestive words or conduct while preparing for the presentation.
- (d) If possible, avoid unnecessarily tarnishing the suspect by, for example, presenting a suspect in handcuffs or from the backseat of a patrol car.
- (e) Transport the witness, not the suspect.
- (f) Separate witnesses to avoid communication between them.
- (g) Read the instructions from the Eyewitness Identification form, ensuring and documenting that the witness understands the instructions.
- (h) Document the witness's statement on the Eyewitness Identification form.
- (i) When possible, record the presentation.

602.7 DOCUMENTATION

All sworn personnel shall receive training on this policy and the presentation of lineups and showups.

Brady Material Disclosure

603.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information -Information known or possessed by the Beaverton Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

603.2 POLICY

The Beaverton Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Beaverton Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

603.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

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603.4 BRADY PROCESS

The Deputy Chief will work with the Professional Standards Division Lieutenant to coordinate the reporting of potential information resultant from professional standards investigations to the District Attorney and City Attorney offices. The District Attorney and City Attorney offices make determinations and report those to the department.

Potential Information may be contained within or with the following:

- Police Reports
- Body Worn Camera and other recorded evidence
- Officer Notes
- Documents and Evidence
- Emails, Text Messages, and other similar communication
- Victim Advocates, Volunteers, and Unsworn Employees
- U-Visa and other immigration relief applications – Disclosure
- U-Visa and other immigration relief applications – Processing

A non-exclusive list of common examples of exculpatory evidence includes:

- Any evidence that tends to diminish culpability or opposes guilt of the suspect
- Any evidence that might be favorable to the suspect at sentencing
- Any evidence that links someone else to the crime (such as a witness coming forward to say someone else committed the crime)
- Any evidence supporting a defense motion that might weaken the State's case. This includes evidence supporting a motion to suppress evidence/statements or a motion to controvert a search warrant
- Any evidence impeaching the credibility of any witness the DA intends to have testify at trial, regardless of whether that witness is a police officer or a civilian. This includes conflicting statements of witnesses, promises of leniency by police, evidence of bias, prior false reports, reputation for untruthfulness, opinions regarding untruthfulness, alcohol or drug use, pending criminal charges or investigations, and any other evidence diminishing the credibility of the witness.
- Any of the above-described evidence that may be contained in a police officer's personnel file or an Internal Investigation/Affairs ("IA") file. For example, this may include the following: credible allegations or findings of misconduct reflecting on truthfulness, lack of candor, or bias of the employee during an administrative/personnel inquiry; allegations made by state or federal prosecutors, magistrates, or judges regarding the same; past or pending criminal charges or investigations against an employee.

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603.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

603.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

Sexual Assault Investigations

604.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

604.1.1 DEFINITIONS

Definitions related to this policy include:

Anonymous Victim - An identified victim who either has not made a decision whether or not to participate in the sexual assault investigation or who has chosen not to participate. Or, an unidentified patient or crime victim who has not reported the sexual assault to law enforcement.

Nonanonymous Victim - A victim who is willing to participate in a sexual assault investigation.

SAFE kit - A Sexual Assault Forensic Evidence (SAFE) kit is a package of items used by medical personnel to collect and preserve physical evidence following an allegation of sexual assault.

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in ORS 163.305 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates, law enforcement officers, forensic medical examiners, including sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

604.2 POLICY

It is the policy of the Beaverton Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

604.3 INVESTIGATION AND REPORTING

In all reported or suspected cases of sexual assault, a report shall be written and may be assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

604.4 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to WCCCA, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

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An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., meal and change of clothes). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Whenever possible, a member of the SART should be included in the initial victim interviews. Officers shall ensure a victim advocate is requested in sexual assault cases when a medical assessment is going to be performed. This is required even if the victim declines their services.

Due to physical and emotional trauma, inconsistencies in a victim's report are not uncommon. Additional or different details may emerge as a victim is allowed time to process their experience. At times, victims may also be reluctant or embarrassed to discuss details about an intimate incident. Recanting or changing one or more aspects of a prior statement is not necessarily an indication of false reporting or that the case is unfounded. If the responding officer has reason to believe the incident may be without merit, they should document the evidence and inconsistencies.

604.5 VICTIM RIGHTS

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

Victims have the right to select a person, 18 years of age or older, to be the victim's personal representative to accompany the victim during the phases of the investigation, including medical examinations. The personal representative may only be excluded if there is a belief that the representative would compromise the process (ORS 147.425).

Victims may qualify for the Sexual Abuse Protective Order (SAPO) or other protective orders available, and information about obtaining such orders should be provided to victims.

604.5.1 VICTIM RIGHTS AND RESPONSIBILITIES REGARDING SAFE KITS

The Beaverton Police Department is committed to the rights of all and believes that every victim of sexual assault deserves to be heard. BPD is committed to creating an environment where victims feel safe coming forward and fully understand all of the options and resources that are available to them. Below is a list of rights the victim will have regarding the submission, retention, and processing of SAFE kits:

- (a) Sexual assault victims may request and receive information concerning their SAFE kits, including but not limited to the location, testing date and test results of a kit, whether a DNA sample was obtained from the kit, whether or not there are matches to DNA profiles in state or federal databases and the estimated destruction date of the kit.
- (b) The person crimes Detective Sergeant will provide a response to a victim inquiry concerning a SAFE kit in the manner of communication designated by the victim as soon as possible and within 30 days of the inquiry, unless that information interferes with the investigation or prosecution of a case.

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- (c) A sexual assault victim may provide a case agent or person crimes Detective Sergeant with written authorization for a designee to access information on the victim's behalf.
- (d) The victim may contact the person crimes Detective Sergeant to request that an untested nonanonymous kit be reclassified as an anonymous kit, or an untested anonymous kit be reclassified as a nonanonymous kit. The person crimes Detective Sergeant will then notify the Oregon State Crime lab of the reclassification.

604.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim. When a victim agrees to participate in a medical assessment, the officer shall contact a victim advocate and make reasonable efforts to ensure that the advocate is present and available at the medical facility if such notification has not already been made by medical personnel (ORS 147.404).

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable. Sexual assault victims and/or persons assisting sexual assault victims who are under 21 years of age shall not be arrested for offenses related to the purchase or possession of alcoholic beverages.

Unless the victim has chosen to remain anonymous, sexual assault kits or biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, shall be submitted for biological testing (ORS 181A.325).

Victims who choose not to participate in the initial contact of an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the sexual assault kit shall be completed and stored in accordance with the Property and Evidence Policy. The collection and preservation of SAFE kits from anonymous victims should be handled by the Patrol Division, which shall assign an officer to ensure proper collection and preservation of the kits.

604.6.1 COLLECTION AND TESTING REQUIREMENTS

- (a) When a medical facility notifies this department that evidence of a sexual assault has been collected and a SAFE kit is available, an officer shall be responsible for the following:
 - (a) Respond promptly to the medical facility to retrieve the evidence no later than 7 days from the date of notification by the medical facility.
 - (b) Provide a unique case number to a responsible representative of the medical facility, which will be provided to the victim. The case number will be used to identify all associated evidence so that a chain of evidence can be maintained in the event the victim later decides to report the assault.

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- (c) Provide the victim with contact information for CID so the person crimes Detective Sergeant can be notified and serve as a liaison for the victim regarding the progress of the case, the status of the SAFE kit submission, the exam, and the results, should the victim inquire. The person crimes Detective Sergeant or his designee will also serve as the point of contact for the victim regarding all inquiries with the Oregon State Crime lab.
- (d) Ensure that no identifying information regarding the victim, other than the case number, is visible on the evidence packaging.
- (e) Prepare and submit an evidence report and book the evidence in accordance with current evidence procedures.
- (b) The sexual assault forensic evidence kit shall be submitted to the Oregon State Police (OSP) for testing within 14 days after the Department receives the kit from the medical facility and accompanied with information sufficient to allow OSP to prioritize testing. Sexual assault kits shall not be submitted in cases where the victim has chosen to remain anonymous (ORS 181A.325). If a victim chooses to file a sexual assault report at a later time, the sexual assault kit associated with the report shall be reclassified as a non-anonymous kit and submitted for testing to the OSP within 14 days of the reclassification (ORS 181A.325).
- (c) Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

604.6.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable. Sensitivity to the victim should be considered when providing DNA results. Investigating members should work with the crime victim liaison as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

604.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations Division supervisor.

Classification of a sexual assault case as unfounded requires the Investigations Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted their original statement, there must be corroborating evidence no crime occurred.

604.8 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

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- (b) Conduct follow-up interviews and investigation.
- (c) Present cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to advocates and victim services.
- (f) Participate in or coordinate with SART or other multidisciplinary investigative teams as applicable (ORS 147.401).

604.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations Division supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

604.10 TRAINING

Subject to available resources, periodic training will be provided to:

- (a) Members who are first responders. This includes, but is not limited to the following topics:
 - 1. Initial response to sexual assaults.
 - 2. Legal issues.
 - 3. Victim advocacy and victim resources.
 - 4. Victim's response to trauma.
- (b) Qualified investigators should receive advanced training on additional topics. This includes, but is not limited to the following:
 - 1. Interviewing sexual assault victims.
 - 2. SART.
 - 3. Medical and legal aspects of sexual assault investigations.
 - 4. Serial crimes investigations.
 - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 - 6. Techniques for communicating with victims to minimize trauma.

Chapter 7 - Equipment

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another or department-owned property is damaged or lost.

700.2 POLICY

Members of the Beaverton Police Department shall properly care for department property assigned or entrusted to them. Department-owned property that becomes damaged shall be promptly replaced. Members' personal property that becomes damaged during the performance of assigned duties will be reimbursed in accordance with this policy, city policy, or applicable collective bargaining agreement.

700.3 DEPARTMENT-ISSUED PROPERTY

All property and equipment issued by the Department shall be documented in the appropriate property sheet or equipment log. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

The Services Division Captain shall be responsible for developing and maintaining procedures for the inventory control of department property.

700.3.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Members shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.
 - (a) A supervisor receiving such a report shall conduct an investigation and direct a report to the appropriate Division Captain, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.
 - (b) A review of the incident by command staff should determine whether additional action is appropriate.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, department property shall only be used by those to whom it was

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assigned. Use should be limited to official purposes and in the capacity for which it was designed.

- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) A supervisor's approval is required before any attempt to repair damaged or unserviceable property is made by a member.

700.3.2 UNIFORM DISPOSAL

Department-issued uniforms and attire with the BPD emblem shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

700.4 DAMAGE TO PROPERTY OF ANOTHER PERSON

Anyone who intentionally or unintentionally damages or causes to be damaged the real or personal property of another while performing any law enforcement function shall promptly report the damage through their chain of command.

The supervisor receiving such a report shall conduct an investigation and direct a report to the appropriate Division Captain, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

A review of the incident by command staff to determine whether misconduct or negligence was involved should be completed.

700.4.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of Beaverton or of another person while performing their duties within the jurisdiction of this department. It shall be the responsibility of the department member present or the member responsible for the property to report the damage as follows:

- (a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

The supervisor receiving such a report shall conduct an investigation and direct a report to the appropriate Division Captain which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

700.5 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief of Police, Deputy Chief, or the appropriate Division Captain. The member should submit a request that includes the description of the property, and the reason and length of time it will be used. Personal property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

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700.5.1 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage to, or loss of, personal property must be made on the proper form. This form is submitted to the member's immediate supervisor. The supervisor may require a separate written report.

The supervisor receiving such a report shall conduct an investigation and direct a report to the appropriate Division Captain, which shall include the result of the investigation and whether the reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the City department responsible for issuing payments.

700.6 INVENTORY CONTROL

Inventory controls are imposed to avoid loss, unauthorized use, excesses and shortages, and to track grant purchases of City-owned property. Inventory control includes documentation of the purchase, issuance, and accountability of City property.

- (a) Office equipment - office equipment meeting Capital Outlay requirements (valued at \$10,000 or greater) is inventoried through the City's Finance Department. Date of purchase, date of disposal, location, and condition of agency property is documented. An inventory control tag identifies each item and a number (as required by the Finance Department) may be affixed to the property.
- (b) Electronic equipment - the City's Information Systems Department (ISD) maintains an inventory list of electronic equipment purchased through ISD including telephones, computers, and cameras.
- (c) Department equipment - the Police Inventory Control Specialist shall maintain the inventory for police equipment and supplies, including portable and mobile radios, flashlights, binoculars, and other equipment and supplies necessary for police operations.
 - 1. The Training Sergeant shall maintain the inventory for department purchased weapons, including, but not limited to Rifles, Handguns, 40MM multi-launchers, and TASERS.
- (d) Equipment purchased with grant funds - the Police Inventory Control Specialist will maintain an inventory list and track police equipment purchased with grant funds. Recipients of grant equipment will promptly forward a detailed description of the equipment received (including a serial number) to the Inventory Control Specialist.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Beaverton Police Department allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in a manner that has a reasonable nexus to the business of the Department, may be subject to monitoring and inspection consistent with applicable state and federal laws.

The use of a PCD while on-duty may impair member safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for purposes that have a nexus to the business of the Department, may subject the member's personally owned PCD records to civil or criminal discovery or disclosure under applicable public records laws as provided by state and federal laws.

701.3 PRIVACY EXPECTATION

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services may be subject to disclosure if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued PCDs. Administrative searches of department-issued PCDs can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee.

Personal Communication Devices

When the department has probable cause and objective facts to show that an employee's personally owned PCD was used to conduct department related business, then the employee's personally-owned PCD may be subject to an administrative search.

Any such administrative search shall be ordered and not requested and shall be based upon probable cause the Department may find information necessary to and has a nexus to the business of the department. Any such administrative search shall be limited in scope to a pending, current, or open department investigation. Any such administrative search will comply with all applicable state and federal laws. Any such administrative search shall only be conducted by an outside contractor. Any such administrative search will be narrowly defined and specified as to what the contractor is to search for in the employee's personally-owned PCD. Prior to conducting any administrative search of an employee's personally-owned PCD, supervisors shall consult with the Chief of Police or designee and the employee shall be given reasonable time to consult a BPA representative and/or legal counsel before releasing or providing any information from the employee's personally-owned PCD. All such administrative searches shall be fully documented in a written report.

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications).
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

Personal Communication Devices

1. For the purpose of this policy, deputy chief, captains, lieutenants, sergeants, and the PIO are the authorized designees.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.5.1 PERSONAL USE DURING MEALS, REST BREAKS, LUNCHES

Nothing in this policy restricts the employee's lawful and/or personal use of their personally-owned PCDs during meals, rest breaks and lunches.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace should be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official department business.

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- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
- (c) Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (ORS 811.507). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, including, but not limited to, the lack of a working siren, emergency lights and/or radio communications, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair. This is typically completed through the City of Beaverton Online Work Order System. An e-mail describing the situation should also be sent to the Inventory Control Specialist.

702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Patrol vehicles should be equipped with the following equipment:

- Buddy bear
- Spare tire
- Jack/handle
- Emergency road flares

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- Fire extinguisher
- First aid kit, CPR mask
- Bungee cord
- Print kit/evidence collection supplies
- Traffic cones
- Stop sticks
- Hazardous material kit
- Blanket
- Crime scene barricade tape
- Digital camera, flash card, and batteries
- Emergency Response Handbook
- Mag Flashlight
- LED Flashlight

702.3.2 OTHER DEPARTMENT VEHICLES

Employees shall inspect their assigned department vehicle at the beginning and end of the shift for functionality, contraband, general supplies, and damage.

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location. Vehicles should be fueled at the end of each shift.

702.5 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the "out of service" placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Marked vehicles released to non-members for service or any other reason shall have all weapons removed and "out of service" placards or lightbar covers in place.

702.6 VEHICLE INSPECTION

Unless delayed by an emergency call, employees shall inspect department vehicles at the beginning of each shift for any damage, and to ensure that all systems, lights and emergency equipment are in good working order. The interiors should be examined to confirm no property or contraband is present. The interior inspection should be repeated at the conclusion of any prisoner transport.

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Designated department personnel shall conduct bi-monthly inspections and inventories of all patrol vehicles using the Patrol Vehicle Inspection and Inventory Checklist.

702.7 VEHICLE DAMAGE REPORTING

Employees discovering damage to their assigned vehicle shall make a report to their supervisor as soon as practical using the approved form (All-In-One). Supervisors shall ensure the form is routed to the City of Beaverton Human Resources Risk Officer and through the department chain-of-command. Supervisors shall ensure the damage is documented in the vehicle damage log located in the Patrol supervisor's office.

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Beaverton to provide assigned take-home vehicles.

703.2 POLICY

The Beaverton Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

Patrol Sergeants shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during their shift, the new vehicle number shall be documented on the roster.

703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify their supervisor. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

Vehicle Use

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 MOBILE DATA COMPUTERS

Members assigned to vehicles equipped with a Mobile Data Computers (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify WCCCA. Use of the MDC is governed by the Mobile Data Computers Use Policy.

703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, they should exchange the vehicle (or MDC as appropriate) for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Division Captain approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.7 KEYS

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

Vehicle Use

703.3.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in fenced area. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor.

703.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.12 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform their regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Department.
- (b) Other reasonable transportation options are not available.

Vehicle Use

- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Beaverton City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Members who have been assigned a take-home vehicle may use the vehicle to commute to the workplace and for department-related business. The member must be approved for an assigned vehicle by their Division Captain and shall comply with the following criteria:

- (a) Applicable City of Beaverton policies.
- (b) Except as may be provided by a collective bargaining agreement time spent during normal commuting is not compensable.
- (c) City-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor. The member may be required to maintain insurance covering any commuting or personal use.
- (d) The member may be responsible for the care and maintenance of the vehicle. The Department should provide necessary care and maintenance supplies.
- (e) The vehicle should be parked adjacent to the member's residence and in secure off-street parking if feasible.
- (f) Vehicles shall be locked when not attended.
- (g) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence (see the Firearms and Qualification Policy regarding safe storage of firearms at home).
- (h) When the member will be away (e.g., on vacation) for periods exceeding 14 days, the vehicle shall be stored at the Department. A K-9 handler may store their vehicle at their residence when away for periods exceeding 14 days to transport their canine partner for operational needs or for emergency medical treatment of the canine during this period.
- (i) All department identification, portable radios and equipment should be secured.

Members are cautioned that under federal and local tax rules, personal use of a City-owned vehicle may create an income tax liability to the member. Members should address questions regarding tax consequences to their tax adviser.

The assignment of vehicles is at the discretion of the Chief of Police.

Vehicle Use

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Beaverton Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that their assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair work order explaining the service or repair.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Any lease vehicle shall be inspected for damage prior to acceptance into department use and prior to return of the vehicle at the end of the lease period.

703.5 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any City-owned vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered to the shift supervisor/division manager.

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703.6 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Cash and Credit Card Handling and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash, gift cards, and city-owned credit cards appropriately in the performance of their duties. Please refer to the Finance Department's Accounts Payable and Purchase Orders Manual for specific procedures related to the maintenance of cash funds and purchasing.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.2 POLICY

It is the policy of the Beaverton Police Department to properly handle and document cash, gift card, and credit card transactions and to maintain accurate records of the transactions in order to protect the integrity of department operations and ensure the public trust.

704.3 PETTY CASH FUNDS

Petty cash funds are used to make purchases costing \$50 or less when there is an immediate need for an item that is not obtainable through the use of an open account, city credit card, or purchasing "P" card. Petty cash funds are used to reimburse city employees for costs incurred to carry out city functions (e.g., meals, parking, etc.)

704.4 PETTY CASH TRANSACTIONS

Petty cash transactions shall be conducted in accordance with the Finance Department's Petty Cash Procedure. The Police Chief's Administrative Assistant is the designated petty cash custodian for the Police Department. The petty cash custodian shall:

- (a) Safeguard the cash on hand against theft, shortage, and improper handling through the use of a secured metal cash box.
- (b) Ensure all disbursements made from the petty cash fund are approved in advance by the division's lieutenant or manager, supported by a receipt as evidence of payment, and charged to the appropriate budget line item account number.
- (c) Request replenishment of funds on a timely basis. A petty cash voucher transaction envelope/form shall be completed that includes the amount of the fund, cash disbursed and purpose, account numbers, and the balance on hand.

704.4.1 PETTY CASH PROCEDURE

- (a) Employees shall receive approval from their supervisor prior to making a purchase and obtain the appropriate budget account number(s) where the item(s) will be charged.
- (b) Employees requesting reimbursement shall bring a receipt to the Administrative Assistant and sign a completed petty cash voucher form to verify the amount they received to make the purchase. The account number will be provided to the Administrative Assistant.

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- (c) If funds are needed prior to making a purchase, the requesting employee will sign a completed form verifying the amount of cash they received in advance to make the purchase. Once the purchase is made, the employee will return the receipt to the Administrative Assistant.
- (d) Employees shall submit reimbursement requests within 30 days of purchase.
- (e) Transactions not documented by a receipt or invoice are not allowed. Any employee making a purchase without approval will be responsible for the expense.

704.5 PETTY CASH AUDITS

Monies received through the Finance Department shall be placed immediately in the petty cash fund and properly documented. The Finance Department will audit cash funds annually. The Finance Department may also conduct periodic, unannounced audits of the funds throughout the year.

Transference of fund management to another custodian shall require a separate petty cash audit by a command staff member and/or the Finance Department. The auditor(s) will provide a written report of the audit. The change of custodian shall be noted in the ledger and initialed by the outgoing custodian, the new custodian, and the auditor(s).

704.6 OTHER CASH FUNDS

Police Records accepts money for the purchase of records, related documents, and various fees.

(Refer to the Police Records procedure.) The Alarm Program also accepts cash payments for alarm permits and fees. A completed receipt shall be issued to the customer for each transaction and a copy maintained for the Finance Department. The money and receipts shall be turned into the Finance Department on a regular basis.

704.7 ROUTINE CASH HANDLING

Those who handle cash as part of their Property and Evidence Division or Investigations Division duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

704.8 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

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Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

704.9 PURCHASING "P" CARDS

The City Finance Department's "P" card program is designed to streamline purchases (reduce handling/processing of checks and limit use of petty cash) and to make it easier to purchase items that are less than \$1,000 and/or items that don't require a purchase order. Use of P cards is similar to the department credit card, but the cards are issued to individual employees.

At the discretion of the individual's supervisor and the Deputy Chief, designated employees may be issued a P card (purchasing credit card) by the Finance Department.

704.9.1 P CARD PROCEDURE

- (a) Cards may only be used for expenditures budgeted in the division's fiscal year budget.
- (b) No personal purchases are allowed on the card.
- (c) Single purchases cannot exceed \$1,000.
- (d) Examples of authorized use:
 - (a) Conference/training registrations (submitted and formally approved). Payment shall be processed by authorized individuals (Training Division or Accounts Payable Support Specialists).
 - (b) Unanticipated patrol expenses related to meals/supplies for critical incidents, call-outs, etc.
 - (c) Emergency services (e.g., victims, indigent assistance).
 - (a) To cover one-time assistance for emergency gasoline, food, diapers, and other immediate needs. Cards may be used for emergency hotel rooms for victims when alternate resources/services options have been exhausted.
 - (d) Equipment and supplies.
 - (e) Snacks and supplies for meetings.
- (e) Examples of non-authorized use:
 - (a) Travel expenses (e.g., airfare, lodging, rental cars, per diem meals, certain rideshare trips, parking). Refer to city travel policies and procedures.
 - (b) Restaurant/businesses that may be coded by bank as entertainment/amusement venue (e.g., Top Golf). Consult with payroll/purchasing administration members prior to use.
 - (c) Gift cards (not previously approved by Finance Director). All gift card requests shall be coordinated through the Accounts Payable Support Specialist 3.
- (f) Card users are responsible for:

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- (a) Verifying funds are available for purchases in their division's line item/budget account. (Check with supervisor if appropriate.)
- (b) Appropriately using city funds (e.g., no alcohol purchases, limitations for meals for internal/employee meetings).
 - (a) Completing and submitting city meal form (who attended and purpose of meeting) when card is used for internal meetings.
- (c) Assigning correct budget object codes (e.g., meals out of 328, supplies out of 304 or 305).
- (d) Obtaining proper receipts and required back up documentation.
- (e) Processing transactions and uploading documentation into Finance online system as soon as practicable. Transactions should be monitored/processed daily.
 - (a) Communicating with the Accounts Payable Support Specialist 3 if transactions are pending (and not posted) prior to scheduled extended time off (long weekend or vacation).
- (f) Consulting with BPD payroll/purchasing administration members as needed regarding use of account numbers, balance of funds, and/or city finance rules and regulations.
- (g) Completing required training from City's Finance Department prior to use of card.

704.10 DEPARTMENT CREDIT CARD

The City's Finance Department issues a credit card in the police chief's name on behalf of the police department. The department credit card is an alternative payment method for budgeted items when use of a P card is not an option. Employees using the card are responsible for the security and proper use of the credit card. No personal purchases are allowed on the card.

704.10.1 DEPARTMENT CREDIT CARD PROCEDURE

- (a) Employees shall receive approval from their supervisor prior to making a purchase and obtain the appropriate budget account number.
- (b) Employees shall request the use of the credit card from the Administrative Assistant or the Accounts Payable Support Specialist 3 and sign out/check out the credit card.
- (c) Once the purchase is made, the employee will return the credit card as soon as possible to the Administrative Assistant.
- (d) Employees shall submit the receipt to the Accounts Payable Support Specialist 3 with the appropriate account number to charge the purchase.
- (e) Transactions not documented by a receipt or invoice are not allowed. Any employee making a purchase without approval will be responsible for the expense.

Cash and Credit Card Handling and Management

704.11 PATROL PREPAID CREDIT CARD PROCEDURE

- (a) Prepaid credit/gift card(s) maintained in the Patrol Division are intended for use when a Patrol Lieutenant's assigned P card is not readily available. The credit/gift card shall only be used for unanticipated patrol expenses related to meals/supplies for critical incidents, call-outs, victim assistance, and indigent assistance, etc.
 - 1. Purchases to help individuals in need with emergency gasoline, food, diapers, or other immediate necessities should not exceed \$50. Funds should be limited to one-time assistance.
- (b) The prepaid credit/gift card and ledger will be kept in a secured location accessible to Patrol Sergeants and Lieutenants.
- (c) The credit/gift card user will record the purchase information on the front of the ledger envelope. This information will include the date of purchase, to whom the purchase came from, the purpose for use of the credit/gift card (including a CAD#), and the amount of the expense.
- (d) The receipt of the transaction will be placed into the ledger envelope along with the credit/gift card after use and the envelope will be returned to the secured location.
- (e) When the credit/gift card balance reaches \$25.00 or less, a Patrol Lieutenant will be notified, who will request a replacement card.
 - 1. A Patrol Lieutenant will conduct a final audit of the ledger, remaining funds, and the enclosed receipts.
 - 2. A Patrol Lieutenant will submit the completed ledger to BPD's Police Admin Services Specialist and request the purchase of a replacement card.
 - (a) A Patrol Lieutenant shall ensure budgeted funds are available prior to requesting the purchase of a replacement credit/gift card.
 - 3. The amount of the credit/gift card shall not exceed \$250.
- (f) A Patrol Lieutenant will conduct quarterly audits of the Patrol prepaid/gift card ledger with the Police Admin Services Specialist.

704.12 GIFT CARDS FOR INDIGENT ASSISTANCE

Gift cards (e.g., fast food restaurants) with a nominal value (approximately \$10) may be available to provide assistance to individuals in need.

- (a) Finance Director approval is required prior to making gift card purchases. Gift cards purchases shall be coordinated through the Accounts Payable Support Specialist 3.
- (b) Requests for gift cards will be managed by the patrol sergeants.
 - (a) Distribution of gift cards is intended for one-time assistance. Additional cards may be provided to the same individual at the sergeant's discretion.
 - (b) Distribution of cards will be documented on the appropriate form. The form will include the date, name of the recipient, and the person who authorized distribution.

Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY

The Beaverton Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 29 CFR 1910.95 and OAR 437-002-0080.

705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the

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prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in OAR 437-002-0134.

705.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

705.7 RESPIRATORY PROTECTION

The Patrol Division is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; OAR 437-002-0120):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

705.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall

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reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; OAR 437-002-0120):

- (a) It is necessary for the member to wash their face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; OAR 437-002-0120):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; OAR 437-002-0120).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.

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- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

705.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

705.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; OAR 437-002-0120).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; OAR 437-002-0120):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; OAR 437-002-0120):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.8 RECORDS

Professional Standards is responsible for maintaining records of all:

- (a) PPE training.

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- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.
 - 1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule, 29 CFR 1910.1020 and OAR 437-002-0360.

705.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; OAR 437-002-0120).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; OAR 437-002-0120).

Chapter 8 - Support Services

Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Municipal Court records
- Field Interview cards
- Jail, Parole and Probation records
- Computer Aided Dispatch data
- Oregon Department of Transportation
- Oregon Judicial Information Network
- Oregon State Police

800.3 CRIME ANALYSIS FACTORS

The following criteria should be considered in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and

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tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

Property and Evidence

801.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

801.2 DEFINITIONS

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Found Property - Includes property found by an employee or community member that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

Property - Includes all items of evidence, items taken for safekeeping, and found property.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm, knife, or other dangerous weapon
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

801.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in their possession until it is properly processed and placed in the designated property locker. Care shall be taken to maintain the chain of custody for all property. When not specifically addressed by this policy manual, collection and handling of all evidence and property should follow the guidelines established by the Department's Property and Evidence Manual and/or the Oregon Physical Evidence Manual.

Employees will provide a receipt for all items of property or evidence that are received or taken from any person. If no person is present, and the property or evidence is removed from private property or a vehicle, the employee will leave a copy of the property evidence receipt prominently placed on the private property or the vehicle.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner by a police officer without the need for submitting it into the property warehouse. Documentation of this shall be recorded in a General Offense report by the original officer taking possession of the item(s). If the original officer taking possession of the item(s) cannot return the item(s) themselves, within the same work shift, then a General Offense report shall be completed by the original officer indicating the disposition of the property. If property is being returned to the owner by a department member not equipped with a body worn

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camera, then the owner shall sign either a paper form or use a digital signature pad acknowledging receipt of the item(s).

At no time shall a member of the police department remove, use, loan, give or otherwise dispose of any property of another for personal gain.

801.3.1 PROPERTY BOOKING PROCEDURE

All property must be processed and submitted prior to the employee going off-duty unless otherwise approved by a supervisor. If approved by a supervisor, the employee may place the property in a temporary locker for no longer than 24 hours. Additional temporary storage time beyond 24 hours must be approved by a supervisor. The employee will be responsible for maintaining custody of the locker key so that the chain of evidence is secured.

Employees processing property shall observe BPD's Officer Property and Evidence Manual guidelines.

801.3.2 NARCOTICS AND DANGEROUS DRUGS

The officer seizing the narcotics and dangerous drugs shall place them in the secure evidence locker.

801.3.3 EXPLOSIVES/HAZARDOUS SUBSTANCES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Patrol Lieutenant. An Explosive Disposal Unit will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the property and evidence facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials.

Fireworks will be processed on a property evidence receipt that is part of a General Offense report and placed in a marked cardboard box. Property and evidence staff will contact an Explosive Disposal Unit and arrange for release of fireworks and fixed ammunition. At no time should fireworks be placed in water for disposal.

801.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process as outlined in BPD's Officer Property and Evidence Manual. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking and packages should be labeled with a biohazard sticker.
- (b) All bicycles and bicycle frames will be processed on a property evidence receipt that is part of a General Offense report. Property tags will be securely attached to each bicycle or bicycle frame. The property may be transported to the secure processing

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area of the Property and Evidence Division until a property and evidence control specialist can process the property.

- (c) All currency shall be counted by two employees - the submitting officer and a second officer verifying the count. Each employee will write their name and DPSST number on the evidence currency envelope, seal the envelope with evidence tape, and then initial and date the seal. Cash in excess of \$1,000 requires notification of a supervisor, special handling, verification and accounting by the supervisor. Refer to the Cash and Credit Card Handling and Management Policy.

City property, unless connected to a known criminal case, can be released directly to the appropriate City department without a property evidence receipt. In cases where no responsible person can be located, the property should be processed for safekeeping in the normal manner.

801.3.5 COLLECTION AND PRESERVATION OF DNA EVIDENCE

Because DNA evidence can play a key role in establishing guilt or innocence, it is important that such evidence be collected, handled, and preserved in a manner that will maintain its integrity for future testing. Unless impracticable to do so, officers should collect samples of all biological evidence that may reasonably be used to incriminate or exculpate any person as part of any criminal death investigation or a sex crime listed in ORS 163A.005. The property and evidence control specialist will be responsible to ensure that biological evidence is preserved in an amount and manner that is sufficient to develop a DNA profile.

Collection and preservation should follow established protocols as outlined in the Oregon Physical Evidence Manual.

801.3.6 COLLECTION AND PRESERVATION OF SAFE KITS

Under current law, victims of sexual assault may seek medical assessment and choose not to make a report to law enforcement, yet still have evidence collected and preserved. The Beaverton Police Department will collect and maintain the chain of evidence for all Oregon State Police Sexual Assault Forensic Evidence kits (SAFE kits) and any associated evidence collected by medical facilities in this jurisdiction for victims of sexual assault, regardless of where the assault may have occurred. Victims who choose to remain anonymous and not make a report shall not be required to do so (ORS 147.397).

The collection and preservation of SAFE kits from anonymous victims should be handled by the Patrol Division, which shall assign an officer to ensure proper collection and preservation of the kits.

When a medical facility notifies this department that evidence of a sexual assault has been collected and a SAFE kit is available, the patrol officer shall be responsible for the following:

- (a) Respond promptly to the medical facility to retrieve the evidence no later than 7 days from the date of notification by the medical facility.
- (b) Provide a unique case number to a responsible representative of the medical facility, which will be provided to the victim. The case number will be used to identify all

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associated evidence so that a chain of evidence can be maintained in the event the victim later decides to report the assault.

- (c) Provide the victim with contact information for CID so the person crimes Detective Sergeant can be notified and serve as a liaison for the victim regarding the progress of the case, the status of the SAFE kit submission, the exam, and the results, should the victim inquire. The person crimes Detective Sergeant or his designee will also serve as the point of contact for the victim regarding all inquiries with the Oregon State Crime lab.
- (d) Ensure that no identifying information regarding the victim, other than the case number, is visible on the evidence packaging.
- (e) Prepare and submit an evidence report and book the evidence in accordance with current evidence procedures.

All SAFE kits (with the exception of anonymous victim kits) will be sent to the Oregon State Police Crime Lab for testing within 14 days from taking possession of the kit from a medical facility. SAFE kits collected for victims whose identity is not disclosed should be maintained in the same manner as other SAFE kits, but should not be opened until or unless the victim reports the assault. Opening SAFE kits may compromise the admissibility of evidence in the event of a prosecution.

- (a) If an anonymous victim chooses to participate in an investigation at a later date, the SAFE kit shall be reclassified as nonanonymous and submitted to the crime lab for testing within 14 days of the reclassification. (Refer to the Sexual Assault Investigations Policy.)

801.3.7 VICTIM RIGHTS/RESPONSIBILITIES REGARDING SAFE KITS

The Beaverton Police Department is committed to the rights of all and believes that every victim of sexual assault deserves to be heard. BPD is committed to creating an environment where victims feel safe coming forward and fully understand all of the options and resources that are available to them. Below is a list of rights the victim will have regarding the submission, retention, and processing of SAFE kits:

- (a) Sexual assault victims may request and receive information concerning SAFE kits, including but not limited to the location, testing date and test results of a kit, whether a DNA sample was obtained from the kit, whether or not there are matches to DNA profiles in state or federal databases and the estimated destruction date of the kit.
- (b) The person crimes Detective Sergeant or his designee will provide a response to a victim inquiry concerning a SAFE kit in the manner of communication designated by the victim as soon as possible and within 30 days of the inquiry, unless that information interferes with the investigation or prosecution of a case.
- (c) A sexual assault victim may provide a case agent or person crimes Detective Sergeant with written authorization for a designee to access information on the victim's behalf.
- (d) The victim may contact the person crimes Detective Sergeant or his designee to request that an untested nonanonymous kit be reclassified as an anonymous kit, or

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an untested anonymous kit be reclassified as a nonanonymous kit. The person crimes Detective Sergeant or his designee will then notify the Oregon State Crime lab of the reclassification.

801.3.8 STORAGE OF SURRENDERED WEAPONS

Officers shall accept and store any weapons and ammunition from an individual who has been ordered by a court pursuant to an extreme risk protection order (ORS 166.527) or a protection order or judgment of conviction subject to the provisions of ORS 166.255 to surrender weapons and ammunition. The officer receiving the surrendered items shall prepare a property receipt and provide the individual with a copy. The officer should promptly forward a General Offense report that includes the original receipt to the Records Manager for timely filing with the court (ORS 166.537).

801.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be processed separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and packaged separately from ammunition and accessories). A flex cuff or similar device should be inserted through the chamber, barrel, or cylinder whenever possible to render the firearm safe.
- (c) Property with more than one known owner
- (d) Paraphernalia as described in ORS 475.525(2)
- (e) Fireworks and other hazardous materials
- (f) Contraband
- (g) Genuine and counterfeit currency

801.4.1 PACKAGING CONTAINER

Employees shall package all property in a suitable evidence bag, paper bag, box, envelope, or tube available for its size in accordance with Officer Property and Evidence Manual guidelines. Plastic tubes or knife boxes should be used to package knives and other sharp items. Firearm boxes shall be used to package firearms. All packages containing evidence must either be heat or sealed with evidence tape, and the officer's initials and date written across the seal.

Needles or syringes will normally be disposed of in a sharps container and will not be submitted to the Property and Evidence Division however when required for evidence in a serious crime or in a major investigation, a syringe tube should be used for packaging.

A property label shall be securely attached to the outside of all paper bags, plastic tubes, and boxes.

Loaded firearms will not be accepted by the Property and Evidence Division. If a firearm needs to be examined by the crime lab before it is rendered safe, the investigating officer is responsible for

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transporting the loaded firearm to the crime lab. The state crime lab request form and the firearm packaging must state "loaded firearm".

Any time a firearm is taken to court, the item must be rendered safe.

801.4.2 PACKAGING NARCOTICS

An officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, and placed in a secure evidence locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in either a red narcotic plastic bag or paper bag with a red narcotic label affixed to the outside. The processing officer shall obtain a gross weight and write the weight on the evidence packaging, and initial the heat seal or evidence tape. Narcotics and dangerous drugs shall not be packaged with other property.

801.5 RECORDING OF PROPERTY

The property and evidence control specialist receiving custody of evidence or property shall complete an Evidence Continuity record indicating the date the property was received and then a Storage Control record indicating where the property will be stored.

801.6 PROPERTY ROOM SECURITY

The police property storage area is a secure and protected facility for the processing, transfer and storage of property and evidence on a 24 hour basis. Secured storage includes shelved evidence, refrigerator storage, and dryer units and cabinets. Storage of high-risk items, including currency and high value jewelry, will be maintained in a locked safe within the property room. Narcotics and firearms will be stored in a separate secured area of the property room.

Access to the Property Evidence Room is limited to property and evidence control specialists and the Investigations Division Lieutenant unless visitors are logged in and out, including the time, date and purpose of entry. All personnel entering the Property Evidence Room must be accompanied at all times by a property and evidence control specialist or the Investigations Division Lieutenant.

801.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate Evidence Continuity record shall be completed to maintain the chain of possession. No evidence is to be released without first receiving written authorization from the assigned investigator or their supervisor.

Request for analysis for items shall be completed on the appropriate forms and submitted to a property and evidence control specialist. This request may be filled out any time during or after the processing of property or evidence.

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801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

A property and evidence control specialist or the investigator will check the evidence out of property by completing an Evidence Continuity record indicating the date and time and the request for laboratory analysis.

The lab forms will be transported with the property to the examining laboratory. The original copy of the lab form will remain with the evidence, a copy will be placed with the officer's report, and a copy will be scanned and attached to the General Offense.

801.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted by completing an Evidence Continuity record indicating the date, time and to whom released.

The property and evidence control specialist shall obtain a signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in the Versaterm system indicating date, time, and the person who returned the property.

Property needed for court shall be released by the property and evidence control specialist the same day as the court appearance. The evidence shall be returned to the Property and Evidence Division the same day unless held by the court, City Attorney's or the District Attorney's Office. A court evidence form shall be used by the employee when evidence is released to a District Attorney, City Attorney, or court designee. That form shall be filled out and signed by the appropriate parties and returned to the Property and Evidence Division so it can be scanned and added to the case file.

801.6.4 RELEASE OF PROPERTY

Property may be released to a verified owner at the discretion of a property and evidence control specialist without further authorization. A property and evidence control specialist shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded in the Versaterm System.

If some items of property have not been released, the property evidence receipt will remain with the Property and Evidence Division. Upon release, the proper entry shall be documented in the Property section of the Versaterm computer system.

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation. Property not claimed within 30 days after notification of owner of its availability for release will be auctioned, destroyed, or disposed of in accordance with these procedures and existing law.

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Unless the owner is known, found property and property held for safekeeping will be held for at least 90 days.

801.6.5 RELEASE OF DEADLY WEAPONS IN EXTREME RISK PROTECTION ORDER MATTERS

If an extreme risk protection order is terminated or expires without renewal, a deadly weapon or concealed handgun license that was surrendered pursuant to the order shall be returned to the person after (ORS 166.540):

- (a) Confirming through a background check, if the deadly weapon is a firearm, that the person is legally eligible to own or possess the firearm under federal and state law; and
- (b) Confirming that the extreme risk protection order is no longer in effect.

If a third party claims lawful ownership or rightful possession to a deadly weapon that was surrendered pursuant to an extreme risk protection order, the Department may return the weapon to the third party if the third party provides proof of ownership and affirms by sworn affidavit that (ORS 166.537(5)):

- They may lawfully possess the deadly weapon.
- They did not consent to the prior possession of the deadly weapon by the person subject to the extreme risk protection order.
- They will prevent the person subject to the order from accessing or possessing the deadly weapon in the future.

A deadly weapon that remains unclaimed shall be disposed of in accordance with Department policies and procedures for disposal of deadly weapons (ORS 166.540).

801.6.6 RELEASE OF FIREARMS IN DOMESTIC VIOLENCE PROTECTION ORDER MATTERS

If a protection order subject to the provisions of ORS 166.255 is terminated or expires without renewal, any firearms or ammunition surrendered pursuant to the order shall be returned upon the request of the respondent after the following actions are taken (ORS 166.257):

- (a) Notify the Department of Justice of the request.
- (b) Confirm that the protection order is no longer in effect.
- (c) Confirm through a background check that the respondent is legally eligible to own or possess firearms and ammunition under federal and state law.

Return of the surrendered items will take place no earlier than 72 hours after the request was received (ORS 166.257).

Firearms and ammunition that remain unclaimed shall be disposed of in accordance with department policies and procedures for disposal of deadly weapons (ORS 166.540).

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801.6.7 RELEASE OF EVIDENCE

Evidence may only be released with the authorization of the City Attorney's Office/District Attorney's office and the officer or detective assigned to the case.

Once a case has been adjudicated or passed the statute of limitations for prosecution, a property and evidence control specialist will request a disposition authorization from the assigned officer or detective. The assigned officer or detective should ensure there are no outstanding warrants for suspects or additional defendants for the same case prior to authorizing release.

Release of evidence shall be made upon receipt of written authorization listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the assigned officer or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Once evidence has been authorized for release and is no longer needed for any pending criminal cases, it shall be considered property and released or disposed of in accordance with those procedures.

801.6.8 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Beaverton Police Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Beaverton Police Department may wish to file an interpleader to resolve the disputed claim (ORCP 31).

801.6.9 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Property and Evidence Division will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department.

801.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days or longer (60 days or more, plus 30 days after notice), where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property and evidence control specialist shall request a disposition or status on all property that has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective. ORS 98.245 and ORS 98.336 govern the disposition of property held by law enforcement agencies.

801.7.1 DEFINITIONS

As set out in ORS 98.245, the following definition applies to the disposition of property by law enforcement agencies:

Unclaimed Property - Personal property that was seized by the Beaverton Police Department as evidence, abandoned property, found property or stolen property, and that has remained in

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the physical possession of the Beaverton Police Department for a period of more than 60 days following conclusion of all criminal actions related to the seizure of the evidence, abandoned property, found property or stolen property, or conclusion of the investigation if no criminal action is filed.

801.7.2 DISPOSITION

Unclaimed property will be disposed of in accordance with the provisions of ORS 98.245. Disposal may consist of:

- (a) Destruction
- (b) Sale at public auction
- (c) Retention for City or Department use
- (d) Donation to approved charity (e.g. Goodwill, Salvation Army)

801.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Investigations Division Lieutenant shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim

Biological evidence shall be retained for a minimum period established by law (ORS 133.707), the direction of the Senior Property and Evidence Supervisor, or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigations Division Lieutenant.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Investigations Division Captain should be consulted and the sexual assault victim should be notified.

The Investigations Division Lieutenant should incorporate OAR 137-140-0030 et seq. as applicable to the preservation and documentation of biological evidence. Sexual assault kits,

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including anonymous kits, shall be retained by the Department no less than 60 years after the collection of the evidence (ORS 181A.325).

801.8 INSPECTIONS, AUDITS, AND INVENTORIES OF THE EVIDENCE ROOM

(a) Inspections.

1. Quarterly inspections shall be conducted by the lieutenant responsible for the property and evidence storage facilities and practices to ensure agency procedures are being followed. The inspections should determine if the property room is being maintained in an orderly fashion. A review of policies, procedures, and practices should be conducted to determine compliance with established standards.
2. One unannounced inspection of the evidence and property storage areas shall be conducted annually by a Command Staff member who is not routinely or directly connected with evidence control as directed by the Chief of Police or the authorized designee. The inspection shall consist of:
 - (a) random sampling of property and evidence;
 - (b) check of security systems and logs;
 - (c) safety protocol and equipment, and
 - (d) any other operation functions.

(b) Audits.

- (a) Three audits shall be conducted each year by a member of Professional Standards. The audits will consist of a significant representative sampling of property and evidence including "high risk" items such as guns, drugs, and money. The sample should be sufficiently large enough to ensure proper procedures and systems are being followed.

(c) Inventories.

1. Shall be conducted whenever there is a change in the personnel who have access to the property and evidence room, there is reason to believe evidence has been tampered with and/or as directed by the Chief of Police or the authorized designee.
 - (a) An inventory of property shall account for all guns, controlled substances and money, and a representative sample of all other property and evidence to ensure the integrity and accountability of the property function. The sample should include a minimum of five percent of the total number of items remaining in the property room.
- (d) All completed inspections, audits, unannounced inspections, and inventories shall be documented and include a narrative of any findings on the department-approved form(s) maintained by Professional Standards. Documentation shall be forwarded through the chain of command to the appropriate division captain. Electronic copies shall also be forwarded to the accreditation manager.

Records/Reports Access and Security

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of Beaverton Police Department Police Records and addresses department members' access to and responsibility for police records and case reports.

802.2 POLICY

It is the policy of the Beaverton Police Department to maintain department records securely, professionally, and efficiently.

802.3 RESPONSIBILITIES

802.3.1 RECORDS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Services Division Captain or the authorized designee.

The responsibilities of the Records Manager include but are not limited to:

- (a) Overseeing the efficient and effective operation of Police Records.
- (b) Scheduling and maintaining Police Records time records.
- (c) Supervising, training, and evaluating Police Records staff.
- (d) Maintaining and updating a Police Records procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 - 1. Homicides
 - 2. Cases involving department members or public officials
 - 3. Any case where restricted access is prudent
- (h) Ensure that information is entered into the Oregon State Police Law Enforcement Data System (LEDS) from court orders received as required by Oregon law.

802.3.2 POLICE RECORDS

The responsibilities of Police Records include but are not limited to:

- (a) Maintaining a records management system for case reports.

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1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Maintaining records of reports received from OSP of persons who are prohibited from possessing firearms attempting to purchase or otherwise procure them, and of the actions taken by the Department in response to those reports. Information and outcome of the actions taken by the Department shall be provided to OSP on or before Jan. 31 of each year as required by ORS 166.412 and ORS 166.436.
- (h) Maintaining compliance with the Oregon Criminal Justice Commission reporting requirements regarding the number of U visa and T visa certifications requested, granted, and denied by the Department (2019 Oregon Laws, c.472, § 2).

802.4 FILE ACCESS AND SECURITY

The security of paper and electronic files must be a high priority for all department members and shall be maintained as mandated by state and/or federal laws. All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a police department case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a secure area within Police Records or within a secure computerized records management system (RMS).

Any individual granted access to any form of case file (paper copies or electronic records within the RMS) shall exercise care and caution in accordance with the Protected Information Policy.

802.4.1 OFFICIAL CASE REPORTS

The electronic copy of a case report with a retention period of less than 100 years shall serve as the official copy of the public record.

When it exists, the paper copy of a case report with a retention period of 100 years or longer shall serve as the official copy of the public record.

Any case report that is converted to digital format shall be verified to be accurate and complete prior to the paper documents being destroyed. In such instances of a hard copy file being converted to digital format, the new electronic copy shall serve as the official copy of the public record, as long as the retention period is less than 100 years.

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802.4.2 ELECTRONIC/RMS CASE REPORTS

All case reports shall be created, maintained and archived electronically within the RMS. Any electronic record (printed or viewable) shall be securely managed by all department members in accordance with the Protected Information Policy. This includes ensuring protected information is not accessible by unauthorized persons to access, view, or receive it, such as leaving documents with protected information in unattended vehicles or accessing CJIS information on mobile devices when there is risk of it being viewed by unauthorized individuals.

802.4.3 ORIGINAL PAPER FILES MAINTAINED IN POLICE RECORDS

Generally, original paper copy case reports shall not be removed from Police Records. Should an original paper copy case report be needed for any reason, the requesting department member shall first obtain authorization from Police Records.

1. All original paper copy case reports removed from Police Records shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from Police Records.
2. All original paper copy case reports to be removed from Police Records shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to Police Records. The photocopied report shall be shredded upon return of the original report to the file.
3. Access to paper case reports or files when Police Records staff is not available may be obtained through the Patrol Lieutenant. Members will follow applicable department, city, and CJIS policies when accessing paper or electronic reports and files.

802.4.4 SENSITIVE CASE FILES

Police Records shall also maintain a secure file for paper case reports deemed by the Chief of Police as sensitive, either due to the nature of the file, or for the file's historical value, or otherwise requiring extraordinary access restrictions. Electronic reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions will be similarly secured within the RMS.

802.5 CONFIDENTIALITY

Department members have access to information that may be confidential or sensitive in nature. Members shall not access, view or distribute, or allow anyone else to access, view or distribute, any record, file or report, whether in paper copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Police Records procedure manual.

- Department members shall exercise care and caution with any printed copy of an electronic case file. Printed copies that are no longer needed shall be shredded or placed in the designated department shredding bin as soon as practical.

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802.6 REPORTING CRIME STATISTICS

National Incident-Based Reporting System (NIBRS) offense categories shall be assigned to all crime reports in accordance with the Federal Bureau of Investigation's guidelines. It is primarily the responsibility of officers to enter appropriate crime data (NIBRS offense categories) into the RMS. Records personnel shall regularly review case files and audit NIBRS data for accuracy. The Records Manager will ensure that such information is transmitted on a monthly basis to the Oregon State Police Law Enforcement Data System (LEDS) (ORS 181A.225)

Records Maintenance and Release

804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

804.2 POLICY

The Beaverton Police Department is committed to providing public access to records in a manner that is consistent with the Oregon Public Records Law.

804.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to (ORS 192.318; OAR 166-020-0010 et seq.):

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records (OAR 166-017-0005 et seq.; OAR 166-030-0005 et seq.).
- (b) Maintaining and updating the department records retention schedule, including:
 - (a) Identifying the minimum length of time the Department must keep records.
 - (b) Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law (ORS 192.324(4); ORS 192.324(5)).
- (g) Preparing and making available to the public a written procedure that includes the name of one or more individuals and address of where to send record requests to obtain department records as well as the amounts and the manner of calculating fees for responding to requests for public records (ORS 192.324(7)).

804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

804.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following (ORS 192.324; ORS 192.329):

- (a) Requests for public records shall be made in writing.

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- (b) The Department is not required to create records that do not exist.
- (c) Within five business days of receiving a written request to inspect or receive a copy of a public record, the Custodian of Records or authorized designee shall acknowledge receipt of the request or complete the response to the request.
- (d) A written acknowledgement shall advise the requester of one of the following:
 - 1. The Department is the custodian of the requested record.
 - 2. The Department is not the custodian of the requested record.
 - 3. The Department is uncertain whether the Department is the custodian of the requested record.
- (e) As soon as reasonably practicable but not later than 10 business days after acknowledgement of receipt of the request, the Custodian of Records shall:
 - 1. Complete the response to the records request or;
 - 2. Provide a written statement that the request is being processed and a reasonable estimated date by which the response should be completed based on the information currently available.
- (f) A request for records is considered complete when:
 - 1. Access or copies of the requested public records are provided to the requester, once payment if applicable is received, or an explanation is provided to the requester where the records are publicly available.
 - 2. A written statement is sent to the requester that an exemption exists and that access is denied.
- (a) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted, and the unrestricted material released (ORS 192.338).
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio/video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
 - 3. A written statement is sent to the requester that the Department is not the custodian of records for the record requested.
 - 4. A written statement that state or federal law prohibits the Department from acknowledging whether the record exists or would result in the loss of federal benefits or other sanctions. This statement shall include the state or federal law citation relied upon by the Department.
- (g) If a fee is permitted under ORS 192.324(4) and the requester has been informed, the request is suspended until the requester has paid the fee or the Department has

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waived the fee. If the fee is not paid within 60 days of informing the requester of the fee or of the denial of the request for a fee waiver, the request shall be closed.

- (h) If necessary, the Custodian of Records or the authorized designee may request additional information or clarification for the purpose of expediting the response to the request. The response to the request is suspended until the requester provides the requested information, clarification, or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days, the request shall be closed.
- (i) If the public record is maintained in a machine readable or electronic form, a copy of the public record shall be provided in the form requested, if available. If the public record is not available in the form requested, the public record shall be made available in the form in which it is maintained.

804.4.2 DENIALS

If the Custodian of Records determines that a requested record is not subject to disclosure or release, the Custodian of Records shall inform the requester in writing of that fact and state the reason for the denial. When the denial is pursuant to federal or state law, the specific law shall be provided to the requester (ORS 192.329).

When asserting that a record is exempt, the written statement of denial shall include a statement that the requester may seek review of the determination pursuant to Oregon Law as identified by ORS 192.329.

If the denial is challenged by the requester by petition to the District Attorney, the Department will have the burden to support the denial (ORS 192.415).

804.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record or motor vehicle record is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate governmental function (18 USC § 2721; 18 USC § 2722).
- (b) Personal identifying information of members including Social Security number, date of birth, telephone number, home address, email address, driver license number, employer-issued identification card number, emergency contact information, medical information, or information of a personal nature that would constitute an unreasonable invasion of privacy (ORS 192.345; ORS 192.355).
 - (a) A showing of clear and convincing evidence that public interest requires disclosure may overcome the restriction.
- (c) Member identification badge or card as provided in ORS 192.371.

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- (d) Information regarding a member working undercover and for the period of six months after the conclusion of those duties unless the member consents in writing or disclosure is required by law (ORS 181.672).
- (e) A photograph of public safety personnel without the written consent of that member (ORS 181A.674).
- (f) Personnel discipline action, including materials or documents supporting the action, unless allowed by law (ORS 181A.674; ORS 192.345(12)).
- (g) Certain victim information, including participants in the Address Confidentiality Program (ORS 192.368; ORS 192.844).
- (h) Certain juvenile records (ORS 419A.257).
- (i) Certain ongoing investigation material for criminal law purposes (ORS 192.345(3)).
- (j) Audio or video records of internal investigation interviews (ORS 192.385).
- (k) Certain types of reports involving but not limited to child abuse (ORS 419B.035) and adult abuse (ORS 124.090; ORS 430.763; ORS 441.671).
- (l) Records relating to pending litigation and to potential litigation that is reasonably likely to occur in which the Department is or will be named as a party (ORS 192.345(1)).
- (m) Certain identifying information of an individual that has applied for, or is a current or former holder of, a concealed handgun license as provided in ORS 192.374.
- (n) Specific operation plans in connection with an anticipated threat to individual or public safety (ORS 192.345(18)).
- (o) Any public records or information the disclosure of which is prohibited by federal law (ORS 192.355).
- (p) Any public records or information the disclosure of which is prohibited or restricted, or made confidential or privileged under Oregon law (ORS 192.355).
- (q) Records less than 75 years old that were sealed in compliance with statute or by court order. Such records may only be disclosed in response to a court order (ORS 192.398).
- (r) Records of a person who has been in the custody of the Department are exempt from disclosure for 25 years after termination of such custody. Disclosure of the fact that a person is in custody is allowed (ORS 192.398).
- (s) Audio or video recordings from an officer's body-worn camera. Such recordings may only be disclosed under the conditions provided by ORS 192.345(40), including facial blurring.
- (t) Personal information of complainants and of officers who are the subject of bias-based policing complaints. "Personal information" means an individual's name, address, date of birth, photograph, fingerprint, biometric data, driver license number, identification card number, or any other unique personal identifier or number (ORS 131.925; ORS 807.750).
- (u) The identity of an individual or an officer from traffic or pedestrian stop data collected by the Department (ORS 131.935).

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- (v) Information regarding the immigration status of any victim who is requesting certification for a U or T visa, or any documents submitted for U or T visa certification and any written responses to a certification request except where allowed by law (ORS 147.620).
- (w) Images of a deceased person or parts of a deceased body that are part of a department investigation if public disclosure would constitute an unreasonable invasion of privacy of the deceased person's family (ORS 192.355).
 - 1. A showing of clear and convincing evidence that public interest requires disclosure may overcome the restriction.

804.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts. Discovery requests for defendants not represented by an attorney in violation cases will be processed by Police Records.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

804.7 RELEASED RECORDS TO BE MARKED

Each record released pursuant to this policy should indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name.

804.8 EXPUNGEMENT

Expungement and Records Sealing orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal or expunge such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once a record is sealed or expunged, members shall respond to any inquiry as though the record did not exist (ORS 137.225, ORS 419A.269).

804.9 SECURITY BREACHES

In the event of an unauthorized acquisition of personal information, the Chief of Police or the authorized designee shall ensure that an investigation into the breach is made and applicable steps pursuant to ORS 646A.602 et seq. are taken.

Required notice shall be made as follows (ORS 646A.604):

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- (a) Notice shall be made to any individual whose private or confidential data was or is reasonably believed to have been breached. Notice shall be provided in the most expeditious manner possible, without unreasonable delay, but not later than 45 days after becoming aware of the breach, unless the notice impedes a criminal investigation.
 - 1. The notice shall be made as set forth in ORS 646A.604 and include a general description of the breach of security; the approximate date of the breach; the type of information that was compromised; the contact information for the person providing the notice; the contact information for national consumer reporting agencies; and that any suspected identity theft should be reported to law enforcement, the Attorney General, and the Federal Trade Commission.
- (b) When notice is delayed because it will impede an active criminal investigation, the member in charge of the investigation must document the reason why a delay in notification is necessary to the investigation.
- (c) Provide substitute notice if notification would cost more than \$250,000 or if there were more than 350,000 individuals whose personal information was breached.
- (d) If notification is required to be made to more than 1,000 individuals, the Beaverton Police Department should also notify consumer reporting agencies.
- (e) Provide notice to the Oregon Attorney General if the breach involves the personal information of more than 250 people along with a copy of any notice sent to individuals whose personal information was affected.
- (f) Document when a breach of security is unlikely to cause any harm and does not require notification. In these cases, the documentation shall be maintained for at least five years.

Protected Information

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Beaverton Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Beaverton Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

805.2 POLICY

Members of the Beaverton Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

805.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records, and Law Enforcement Data System (LEDS).
- (b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

Protected Information

805.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Beaverton Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

805.4.1 ACCESS TO OREGON STATE POLICE OFFENDER INFORMATION

Access to Oregon State Police (OSP) criminal offender information may be granted when the information is to be used for the administration of criminal justice, employment, or the information is required to implement a federal or state statute, local ordinance, Executive Order, or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct, or other demonstrated and legitimate needs (OAR 257-010-0025).

805.4.2 CRIMINAL RECORD SECURITY OFFICER

The Records Manager is the designated LEDS representative for the Beaverton Police Department. This manager is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The LEDS representative will resolve specific questions that arise regarding authorized recipients of criminal history.

805.4.3 RELEASE OF CRIMINAL OFFENDER INFORMATION

Criminal offender information shall only be released in the following circumstances, as set out by OAR 257-010-0025:

- (a) **Release to Criminal Justice and Designated Agencies:** Oregon criminal offender information may be shared between authorized Criminal Justice and Designated Agencies only as specified in the Oregon Administrative Rules (OAR) and the Law Enforcement Data System (LEDS) Manual.
- (b) **Release of FBI criminal offender information:** Dissemination of FBI criminal offender information to public or private agencies by Criminal Justice or Designated Agencies is prohibited by 28 USC § 534 and 28 CFR 20.33(b). Inquiries for non-official purposes or the checking of records for unauthorized persons or agencies is prohibited. A person wishing to review their criminal history record maintained by the FBI should write to: Federal Bureau of Investigation, CJIS Division, Attn: SCU, Module D2, 1000 Custer Hollow Road, Clarksburg, West Virginia, 26306. The FBI will inform the person how to obtain a copy of their record and, if necessary, how to challenge the accuracy or completeness of that record.

Protected Information

- (c) **Release of criminal offender information to field personnel:** Beaverton Police Department personnel shall not have access to criminal offender information until a fingerprint based background investigation has been completed and approved. Any radio transmission of criminal offender information should only occur when officer or community member safety is in jeopardy. Cell phones should be used if possible. The transmission should be limited to essential details only, with maximized use of law enforcement codes (10 or 12 code), concealing information identifying individuals and offenses as much as possible. Plain text transmission of an entire record (summary or full) is prohibited.

Requests for criminal offender information other than as authorized in this policy should be referred to the nearest Oregon State Police, Identification Services Section located at 3772 Portland Rd. N.E., Salem, OR 97303. Inquiries may also be made through the OSP webpage at www.osp.state.or.us.

805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through Police Records to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk. In those instances, cell phones should be used if possible. The transmission should be limited to essential details only, with maximized use of law enforcement codes (10 or 12 code), concealing information identifying individuals and offenses as much as possible. Plain text transmission of an entire record (summary or full) is prohibited.

Nothing in this policy is intended to prohibit broadcasting warrant information.

805.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own Oregon criminal offender information shall be referred to OSP, Identification Services Section (OAR 257-010-0035).

Protected Information

An individual may review their local record on file with the Department under the provisions of ORS 192.345(3), and after complying with all legal requirements.

This department will not release information originated by any other agency (ORS 192.311 et seq). Individuals requesting this information shall be referred to the originating agency.

805.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to:

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents including computer attacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

805.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

805.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

805.7.1 LEDS TRAINING

All members who operate a terminal to access the LEDS network shall complete a LEDS System Training Guide at a level consistent with the member's duties. Each member who operates a terminal to access LEDS must be re-certified by the Department every two years (OAR 257-015-0050).

805.7.2 DESTRUCTION OF CRIMINAL OFFENDER INFORMATION

When any document providing criminal offender information has served the purpose for which it was obtained, it shall be destroyed by burning, shredding, or secure and confidential recycling.

Protected Information

Each employee shall be responsible for initiating the proper disposal of the criminal offender information they receive.

805.8 TRAINING PROGRAM

All personnel authorized to process or release criminal offender information shall be required to complete a training program as prescribed by LEDS (OAR 257-015-0050).

Police Records shall coordinate the course to provide training in the proper use, control, and dissemination of criminal offender information.

805.9 PENALTIES FOR MISUSE OF RECORDS

Violation of federal and state regulations governing access to criminal offender information can result in the department's access to that information being terminated. Violation of these procedures can be cause for discipline up to and including termination.

Animal Control

807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

807.2 POLICY

It is the policy of the Beaverton Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

807.3 OFFICER RESPONSIBILITIES

During hours when the Washington County Animal Control is off-duty or unavailable, or their alternate responding agency is unavailable, animal-related calls for service will be handled by the appropriate on-duty officer.

Members who respond to or assist with animal-related calls for service should evaluate the situation and determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, a responding officer generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance (e.g., Washington County Animal Control).

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler has been arrested or is incapacitated and there is no other alternative placement for the animal.
 - (a) This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow them to properly care for the animal.
 - (b) With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
 - (c) If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

807.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Animal Control

Arrangements shall be made for deceased animals on public property to be removed and properly disposed of.

807.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a veterinarian as described below.

- (a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.
- (b) After normal business hours, the animal should be taken to an available veterinary emergency and critical care services clinic.
- (c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

When handling dead or injured animals police department employees shall attempt to identify and notify the owner of the final disposition of the animal.

Each incident shall be documented to include, at minimum, the name of the reporting party and veterinary hospital and/or person to whom the animal is released. If Washington County Animal Control is not on-duty, the information will be forwarded for follow-up.

807.5.1 INJURED WILDLIFE

Injured wildlife should be referred to the Oregon Department of Fish and Wildlife or Oregon State Police, Fish and Wildlife Division.

807.6 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to those cited in ORS 133.379 (animal abuse, animal neglect).

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.
- (c) Members who lawfully seize an animal shall comply with the notice requirements of ORS 167.345.

807.7 ANIMAL BITE REPORTS

Officers shall obtain as much information as possible to forward to the Washington County Animal Control for follow-up. A report must be completed and forwarded to Washington County Animal Control.

Animal Control

Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the Washington County Animal Control. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

Members should attempt to identify and notify the owner of the final disposition of the animal.

807.8 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If the dog is not released to the owner, it shall be transported to the appropriate shelter/holding pen. The shelter form must be completed as required by Washington County Animal Control.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

807.9 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Patrol Lieutenant will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

807.10 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

807.11 RESCUE OF ANIMALS IN VEHICLES

A member who has a good-faith belief that entry into a motor vehicle is necessary because a domestic animal inside the vehicle is in imminent danger of suffering harm may enter the vehicle to remove the animal (ORS 30.813). Members should:

- (a) Determine that the motor vehicle is locked or there is no other reasonable method for the animal to exit the vehicle.
- (b) Make a reasonable effort to locate the owner before entering the vehicle.
- (c) Take steps to minimize damage to the vehicle, using no more force than necessary to enter the vehicle and remove the animal.
- (d) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.
- (e) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.
- (f) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Beaverton Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell - A locked enclosure for the custody of an individual that provides the person in custody with access to a toilet and a sink.

Interview cell - A locked enclosure for the temporary custody of an individual during the interview, booking and/or intoxilyzer breath test process that has no toilet or sink.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Beaverton Police Department prior to being released or transported to a housing or other type of facility.

Temporary hold – A facility with the principal purpose is the temporary detention of a prisoner for four or less hours while awaiting court appearance or transportation to a local correctional facility (Oregon Revised Statutes 169.005)

900.2 POLICY

The Beaverton Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than four hours (ORS 169.005).

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Beaverton Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

Temporary Custody of Adults

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported (ORS 169.105).
- (b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).
 - (a) If the officer taking custody of an individual believes that they may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated (ORS 430.399).
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to their health or safety.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

While in a Holding Cell - An authorized department member capable of supervising shall be present within the police building and able to respond to emergencies.

While in an Interview Cell - An authorized department member capable of supervising shall be present at all times when an individual is held in an Interview Cell; such supervision may include the use of electronic monitoring equipment when approved by the Department of Corrections and the governing body of the area in which the facility is located.

The member responsible for supervising should not have other duties that could unreasonably conflict with their supervision (ORS 169.078). Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

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900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Patrol Lieutenant.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate them for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, they shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the on-duty supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The Patrol Lieutenant shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

- (a) Ensure males and females are separated by sight and sound when in cells.
- (b) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.
- (c) Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (d) Advise the on-duty supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (e) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 - (a) Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.

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- (b) Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - 1. Continuous, direct sight and sound supervision.
 - 2. Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Captain will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that they may have their consular officers notified of the arrest or detention and may communicate with them.
 - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 - (a) If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform them without delay that they may communicate with consular officers.
 - (c) Forward any communication from the individual to their consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 - (b) If the country is not on the mandatory notification list and the individual requests that their consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to their consular officers without delay.

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900.4.3 INDIVIDUAL RIGHT NOTIFICATION

To ensure compliance with all treaty obligations, including consular notification and state and federal laws, an officer should ensure an individual who is in temporary custody receives an explanation in writing, with interpretation into another language if requested, of the following (ORS 181A.823):

- (a) The individual's right to refuse to disclose the individual's nationality, citizenship, or immigration status.
- (b) That the disclosure of the individual's nationality, citizenship, or immigration status may result in a civil or criminal immigration enforcement, including removal from the United States.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Beaverton Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including their name.
- (b) Date and time of arrival at the Department.
- (c) The case number.
- (d) Time of all safety checks.
- (e) Cell location of the prisoner.
- (f) Any medical and other screening requested and completed.
- (g) Any emergency situations or unusual incidents.
- (h) Any other information that may be required by other authorities, such as compliance inspectors.
- (i) Date and time of release from the Beaverton Police Department.

The Patrol Supervisor should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Patrol Supervisor and Patrol Lieutenant should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.

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2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins (ORS 169.078).
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (g) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (h) Adequate furnishings are available, including suitable chairs or benches (ORS 169.078).

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor shall meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, they will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Beaverton Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to their health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Patrol Lieutenant shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival unless precluded by an investigatory or safety reason.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at their own expense.

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1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
- (b) The individual should be given sufficient time to contact whomever they desire and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
- (a) Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use their judgment in determining the duration of the calls.
- (c) Calls between an individual in temporary custody and their attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed (ORS 169.078). They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.8 NONDISCRIMINATION

The Beaverton Police Department shall not deny services, benefits, privileges, or opportunities to an individual in custody based on a known or suspected immigration status, the existence of an immigration detainer, hold, notification, or other related federal immigration request, or a civil immigration warrant, except as required by law (ORS 181A.823).

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900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Beaverton Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, their items of personal property shall be compared with the inventory, and they shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The on-duty supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding their property. The on-duty supervisor shall attempt to prove or disprove the claim. If a resolution cannot be made, then a Professional Standards Investigation will be initiated.

900.8 HOLDING AND INTERVIEW CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when they are released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

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- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a holding cell shall be logged.
- (e) Safety checks by department members shall occur no less than every 60 minutes.
 - (a) Safety checks should be at varying times.
 - (b) All safety checks shall be logged.
 - (c) The safety check should involve questioning the individual as to their well-being.
 - (d) Individuals who are sleeping or apparently sleeping should be awakened.
 - (e) Requests or concerns of the individual should be logged.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Division Captain will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Beaverton Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of a Lieutenant, Chief of Police and Investigations Division Captain.
- (c) Notification of the CID Detective Sergeant.
- (d) Notification of the spouse, next of kin or other appropriate person.
- (e) Notification of the appropriate prosecutor.
- (f) Notification of the City Attorney.
- (g) Notification of the Medical Examiner.
- (h) Evidence preservation.

900.9.1 PRISONER ESCAPE

- (a) Prisoner escapes shall be reported immediately to the supervisor and the agency's communications center.
- (b) Descriptions, identities, and offenses of escapees shall be relayed to all duty personnel as quickly as possible and to adjoining jurisdictions.
- (c) The supervisor shall coordinate intelligence gathering and search procedures among agency personnel and other law enforcement authorities as appropriate.
- (d) The temporary holding facility shall be secured as soon as possible, all prisoners accounted for, and all security doors and devices inspected to ensure proper functioning.
- (e) The supervisor shall initiate an investigation of the circumstances surrounding the escape.

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900.9.2 INSPECTIONS

The Professional Standards Division will ensure the following inspections are conducted:

- (a) Oregon Department of Corrections (DOC) - minimum of every three years
- (b) Tualatin Valley Fire & Rescue Fire Marshal - annual
- (c) State of Oregon Department of Human Resources Health Division - annual
- (d) Youth Development Council (YDC) - minimum of every three years for a facility inspection; annual for jail logs
- (e) Sprinkler and fire suppression tests coordinated by the City's Facilities Division (pressure backflow test on the sprinkler system in the holding cells and alarm system test) - annual

The documented inspections will be forwarded to the Accreditation Manager.

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of their property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Beaverton Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if they are being sent to another facility.
 - (a) The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

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900.11 SUPPLEMENTAL OPERATIONAL PROCEDURES

The Patrol Division Captain will ensure any reasonably necessary supplemental procedures are in place to address the following issues (ORS 169.078):

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety
- (h) Disaster plans
- (i) Building and safety code compliance

900.11.1 FIRE AND SAFETY CODE SUPERVISOR RESPONSIBILITIES

Supervisors should inspect the Temporary Holding Facility daily to ensure:

- (a) No flammable materials are stored in the detention area.
- (b) Fire extinguishers are accessible.
- (c) Cell keys are available in the Patrol Sergeant's office.
- (d) First aid kits are readily available.
- (e) Fire suppression sprinkler heads appear functional.

Supervisors shall document the fire and safety inspection on the jail log. The Inventory Control Specialist shall inspect the facility on a monthly basis, including the fire extinguishers' operability and to ensure the first aid kits are completely stocked. The results of the monthly inspection shall be documented in writing. The inspection record shall be retained for three years.

900.11.2 FIRE PROCEDURES

In the event of a fire in the detention area the discovering employee should immediately:

- (a) Notify the Fire Department, Patrol Lieutenant and on-duty patrol personnel simultaneously through WCCCA.
- (b) Initiate movement of all prisoners to an area of safety through the utilization of the evacuation plan and secure them in vehicles if necessary.
- (c) Begin fire suppression procedures as applicable.

Responding patrol officers under the direction of the Temporary Holding Facility Supervisor should be responsible for:

- (a) The evacuation of prisoners.
- (b) Obtaining medical services as needed.

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- (c) Securing prisoners in a temporary holding area.
- (d) Arranging transportation of prisoners to the county jail or other Temporary Holding Facility as necessary.
- (e) Initiating an investigation concerning the origin of the fire along with filing necessary reports.

The Training Division shall oversee the training of all department personnel and ensure that they are familiar with:

- (a) The Temporary Holding Facility policy and procedures
- (b) Fire safety and evacuation plan including the use of the fire extinguisher

900.11.3 EMERGENCY EVACUATION OF TEMPORARY HOLDING FACILITY

When time permits, all prisoners will be restrained, as deemed necessary by the officer conducting the evacuation. The evacuation will be conducted in an orderly fashion by one of the routes posted in the Temporary Holding Facility.

The Patrol Lieutenant will ensure that any emergency evacuation of the Temporary Holding Facility is documented and that copies of those reports be forwarded to the Patrol Division Captain.

900.11.4 EVACUATION FORMATION AREA

All prisoners will form in the designated location where they will be held until the Temporary Holding Facility can again be safely occupied, or as in the case of an emergency of a long duration until they can be transported to another facility. If possible, juveniles are to be kept separate from adult prisoners and females from male prisoners. Only after the safety and security of the prisoners is assured will personnel, not detailed to prisoner security, participate in fire suppression or other emergency activities.

900.11.5 CITYWIDE OR REGIONAL DISASTERS

In cases of Citywide or regional disasters, the Patrol Lieutenant may authorize the release of prisoners detained for misdemeanors or felonies involving property crimes only. Every available effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

900.11.6 FIRST-AID/PROFESSIONAL MEDICAL ATTENTION

As necessary, evacuating personnel will apply first-aid techniques to those prisoners injured as a result of the emergency or injured during the evacuation procedure until professional medical aid arrives to assist.

900.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Beaverton Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody Search - An in-custody search of an individual and of their property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of their clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where their underclothing, buttocks, genitalia or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after they are taken into custody, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

901.3.1 SEARCH INCIDENT TO ARREST

This search is typically conducted after a lawful arrest and should be conducted close in time and place to the arrest unless to do so is unreasonable. The scope and intensity of the search must

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be justified as being necessary to protect the arresting officer, as a precaution to prevent escape, and reasonably related to the crime for which the suspect has been or will be arrested.

Every person arrested shall be searched when placed in restraints and prior to being placed in a vehicle for transport.

901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Beaverton Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.4.1 HANDLING OF PRISONER'S PROPERTY

Officers shall take care in the handling of a prisoner's property to avoid discrepancies or losses.

After a person in custody has been searched, the officer shall apply Chapter 2.08 of the City Code, Inventory of Prisoner Personal Property. The manner of inspection shall be carried out under Beaverton Code (B.C.) 2.08.035. <http://www.codepublishing.com/OR/beaverton/html/beaverton02/Beaverton0208.html#2.08>.

- (a) Dangerous and valuable property shall be inventoried as outlined in B.C. 2.08.40 and listed on the Inventory of Prisoner Personal Property form, along with the signatures of the booking officer and prisoner.
 - (a) Inventoried property shall be sealed in its own container.
 - (b) A copy of the completed inventory form shall accompany the sealed container.
 - (c) The sealed container shall be secured in the temporary lockers located in the temporary holding facility until that person is transported or released.
 - (d) If transported, the detainee's sealed property should accompany the person. The name, agency, and signature of the transporting officer (if known) should be included on the inventory form.
- (b) Any personal property belonging to the prisoner but retained by the officer for safekeeping, shall be kept in a secure location until the prisoner is released or transferred. Smaller items such as a driver license, wallet, prescription medications and other similar property, shall be placed in a property bag and sealed. A list of the property, including detailed descriptions of prescription medications, shall be included on the Inventory of Prisoner Personal Property form.
- (c) Any property too large or property that will not be accepted by the receiving facility in the event of the prisoner's transfer should be processed and stored for safekeeping. A Notification of Personal Property Retention Period and Authorization for Release form will be completed, signed, and a copy given to the prisoner by the processing officer.

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- (d) Property belonging to the prisoner, but retained by the officer as evidence, shall be booked according to procedures. The prisoner shall be advised that such property will be kept as evidence and where demanded, the officer will issue the prisoner a receipt. Such receipt may be a copy of the Property and Evidence Receipt. It should include the description of the property (but not its value), the case number, date, time, officer's DPSST number and signature. Where a receipt is issued, it should be mentioned in the arrest report.
- (e) Officers should follow the guidelines established by the county jail or other receiving facility in regard to prisoner property.

901.4.2 VERIFICATION OF MONEY

All money belonging to the prisoner and retained by the officer should be counted in front of the prisoner and in the presence of a second officer. When possible, the prisoner should initial the dollar amount on the Inventory of Prisoner Personal Property form.

Additionally, all money should be placed in the Prisoner Personal Property bag. Negotiable checks or other instruments and foreign currency should also be sealed in the Prisoner Personal Property bag with the amount indicated, but not added to the cash total. Rings and other jewelry of apparent value or small enough to be easily lost should also be placed in the Prisoner Personal Property bag.

All Prisoner Personal Property bags should be sealed and clearly marked with the prisoner's name on the front. The person sealing it should place their initials across the sealed flap. Should any money be withdrawn or added to the Prisoner Personal Property bag, the officer making such change shall enter the amount below the original entry, initial it, reseal the bag and initial the new seal. The total amount of money in the Prisoner Personal Property bag should always be computed and written on the outside of the Prisoner Personal Property bag.

901.4.3 RECEIPT FOR PROPERTY OR MONEY

The officer or other member charged with such inventories shall ensure that the individual receives a receipt for any money or other property received and should have the individual countersign both the original and duplicate receipt. Members will otherwise comply with ORS 133.455 if the individual is unable to sign.

901.4.4 RELEASE OF PRISONER PROPERTY

- (a) Prisoner property that is transported with the prisoner to another facility will be released back to the prisoner in accordance with that facility's policy.
- (b) Prisoner property that is stored for safekeeping with the Department will be released to the prisoner or their authorized designee (indicated on the Notification of Personal Property Retention Period and Authorization for Release Form), and in accordance with the Property and Evidence Division's policies and procedures.
- (c) Any alleged shortage or discrepancy claimed by the prisoner shall be investigated. If no resolution can be reached, a Professional Standards complaint shall be initiated.

Custodial Searches

901.5 STRIP SEARCHES

No individual in temporary custody at any Beaverton Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Beaverton Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Patrol Lieutenant shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.

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2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The written authorization for the search, obtained from the Patrol Lieutenant.
 4. The name of the individual who was searched.
 5. The name and sex of the members who conducted the search.
 6. The name, sex and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based their belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless they otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect their privacy and dignity.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Patrol Lieutenant authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Patrol Lieutenant authorization does not need to be in writing.

901.6 PHYSICAL BODY CAVITY SEARCH

Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the suspect is concealing a weapon, evidence or contraband within a body cavity, the detainee shall be transported to a jail facility and jail personnel shall conduct the search.

Custodial Searches

901.7 TRAINING

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Temporary Custody of Juveniles

902.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Beaverton Police Department (34 USC § 11133).

Guidance regarding contacting juveniles at schools or those who may be victims is provided in the Child Abuse Policy.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for their own safety or welfare. This includes a juvenile taken into protective custody pursuant to a court order or without an order when there is reasonable cause to believe that (ORS 419B.150; ORS 419B.152):

- (a) An imminent threat of severe harm to the child exists.
- (b) The child poses an imminent threat of severe harm to self or others.
- (c) An imminent threat that the child may be removed from the jurisdiction of the juvenile court exists.
- (d) The child has run away from home.

This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for their protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile under 18 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes a juvenile who possesses a handgun in violation of ORS 166.250 (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other department member all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.

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- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is closed or locked.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

902.2 POLICY

The Beaverton Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Beaverton Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

902.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Beaverton Police Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Beaverton Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

Temporary Custody of Juveniles

902.3.1 NON-SECURE CUSTODY

- (a) When practical, non-offending juveniles and status offenders should not be held within the temporary holding facility. When circumstances are such that this is not practical, non-offending juveniles and status offenders may be held within the temporary holding facility.
- (b) Non-offending juveniles and status offenders shall at no time be held in a secure environment.
- (c) When practical, non-offending juveniles and status offenders should not be held within the presence of juveniles in secure custody.
- (d) Juveniles held in non-secure custody shall be entered into the juvenile holding facility log with an indication that the juvenile was held in a non-secure manner.

902.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Beaverton Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Beaverton Police Department without authorization of the arresting officer's supervisor or a lieutenant.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond five hours from the time of their entry into the Beaverton Police Department (ORS 419B.160; ORS 419C.130).

In order to minimize disruption at school and cooperate with school officials, officers who arrest a student at school should comply with procedures established by the school district involved, so long as those procedures do not conflict with law enforcement's statutory authority.

902.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Beaverton Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible (ORS 419B.165; ORS 419B.168; ORS 419B.152). Juvenile non-offenders may not be held in secure custody (34 USC § 11133; ORS 419B.160).

Prior to releasing a non-offender to the noncustodial parent, officers shall request the Department of Human Services to conduct a criminal records check on the noncustodial parent and any adults in the same home as the noncustodial parent. (ORS 419B.165) Refer to DHS notification procedures in the Child Abuse policy. The notification shall be documented in the police report.

Temporary Custody of Juveniles

902.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

902.4.3 CUSTODY OF JUVENILE OFFENDERS

Generally, a juvenile offender may be taken into custody:

- (a) When it reasonably appears that the juvenile is a fugitive from another state (ORS 419C.145).
- (b) When there is a court order endorsed as provided in ORS 419C.306 and directing that the juvenile be taken into custody (ORS 419C.080).
- (c) When, if the juvenile were an adult, they could be arrested without a warrant (ORS 419C.080).

An officer shall take a juvenile into custody when the officer has probable cause to believe the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or a destructive device (ORS 419C.080).

Generally, an officer may issue a citation in lieu of taking the juvenile into custody if a citation may be issued for the same offense and under the same circumstances to an adult. If a citation in lieu of custody is issued, a copy of the citation shall be sent to the District Attorney (ORS 419C.085).

902.4.4 COURT NOTIFICATIONS OF JUVENILE OFFENDERS

Whenever a juvenile offender is taken into custody, the officer shall promptly notify the juvenile court or counselor that the juvenile was taken into custody (ORS 419C.091). The officer shall also prepare a written report to be routed to the juvenile court and the District Attorney that includes, at a minimum (ORS 419C.106):

- (a) The juvenile's name, age and address.
- (b) The name and address of the person having legal or physical custody of the juvenile.
- (c) Reasons for, and circumstances under which, the juvenile was taken into custody and, if known, the name and contact information of any victim.
- (d) Efforts taken to notify and release the juvenile to their parent, guardian or other person having legal responsibility.
- (e) The date, time, location and to whom the juvenile was released.
- (f) If the juvenile was not released, the reasons why.
- (g) If the juvenile is not released or taken to court, the shelter or place of detention of the juvenile and why the type of placement was chosen.

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902.4.5 EXCEPTIONS TO RELEASE OF JUVENILE OFFENDERS

A juvenile offender shall be released to the custody of the juvenile's parent, guardian or other responsible person, except in any of the following circumstances (ORS 419C.100):

- (a) The court has issued a warrant of arrest for the juvenile.
- (b) The officer has probable cause to believe that release of the juvenile may endanger the welfare of the juvenile, the victim or others.
- (c) When the officer has probable cause to believe that the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or destructive device.
- (d) When the juvenile department takes custody of the juvenile.

If a juvenile offender is not released to the parent, guardian or other responsible person, or to a person identified by the juvenile court or the juvenile department, the officer shall cause the transport of the juvenile to an appropriate shelter if available. (ORS 419C.103) If all options have been exhausted and no curfew violation exists, a juvenile may be released to their own recognizance with a supervisor's approval.

902.5 NOTIFICATION TO PARENT OR GUARDIAN

As soon as practicable after a juvenile is taken into custody, the officer taking the juvenile into custody shall notify the juvenile's parent, guardian or other person responsible for the juvenile of the following (ORS 419B.160; ORS 419C.097):

- (a) Reason the juvenile was taken into custody
- (b) Location where the juvenile is being temporarily detained
- (c) Intended disposition
- (d) Time and place of any hearing

902.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the Beaverton Police Department.
- (c) Sergeant notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (e) Circumstances that justify any secure custody.
- (f) Any changes in status.
- (g) Time of hourly checks if secured in a hard cell.
- (h) Any medical and other screening requested and completed.

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- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

During each shift, the Sergeant shall review and initial the log for accuracy of entries.

902.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Beaverton Police Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

902.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Beaverton Police Department shall ensure the following:

- (a) The Sergeant should be notified if it is anticipated that a juvenile may need to remain at the Beaverton Police Department more than four hours. This will enable the Sergeant to ensure no juvenile is held in violation of state and federal law. The Sergeant will notify the Professional Standards Division by the next business day if juvenile detention exceeds four hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal visual checks and significant incidents/activities shall be noted on the log.
- (d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under their care that the juvenile will be monitored at all times, unless they are using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins.
- (f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (g) Juveniles shall have reasonable access to a drinking fountain or water.
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles should have privacy during family, guardian and/or lawyer visits.

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- (j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Blankets should be provided as reasonably necessary.
- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

902.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Beaverton Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Sergeant. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

902.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Beaverton Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Beaverton Police Department.

902.11 SECURE CUSTODY

Only juvenile offenders 12 years or older may be placed in secure custody.

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902.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the holding cells. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a holding cell:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire time in custody.
- (b) Juveniles shall have constant auditory access to department members.
- (c) Initial placement into and removal from a holding cell shall be logged.
- (d) While inside a Hard Cell, random personal visual checks of the juvenile by staff member, no less than once every hour, shall occur.
 - 1. All checks shall be logged.
 - 2. The check should involve questioning the juvenile as to their well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room.
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

902.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Patrol Lieutenant will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Beaverton Police Department. The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police and Investigations Division supervisor.
- (b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the City Attorney.
- (e) Evidence preservation.
- (f) Notification of the Oregon Department of Corrections.
- (g) Youth Development Council.

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902.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

- (a) Pursuant to ORS 133.402(8)(a) a "custodial interview means an interview in which the person questioned is in custody and is required to be advised of the person's constitutional rights." However, any time a juvenile is in custody, or may otherwise feel they are not free to leave the interview or compelled to speak, the officer will advise the juvenile of their constitutional rights.
- (a) The officer should take steps to make sure the information provided by the juvenile is voluntary considering the "totality of the circumstances."
- (b) The officer should take into consideration the juvenile's age, intelligence, experience, education, background, any recent drug and alcohol use, sleep deprivation, and whether the juvenile has the competency to understand the Miranda warnings and/or the consequences of waiving these constitutional rights.
- (c) The officer should not make any promises or threats to the juvenile during the interview.
- (d) During custodial interviews at a police facility, the officer should consider, if feasible, concealing their duty weapon.
- (e) The interaction between the officer and juvenile should not be antagonistic or oppressive.
- (f) The officer should see that the juvenile is allowed to discuss the matter with a reasonable degree of comfort. Reasonable requests for food, drink and use of a restroom should be honored.
- (g) Juvenile interviews should be reasonable in duration with appropriate breaks.
- (h) The officer should not intentionally use information known by the officer to be false to elicit a statement from the juvenile. Pursuant to SB 418 (2021), a statement made by a juvenile in connection with a misdemeanor or felony will be "presumed to be involuntary ... if the court determines that the peace officer intentionally used information known by the officer to be false to elicit the statement."
- (i) Pursuant to ORS 133.402 a custodial interview conducted with a person under 18 years of age in connection with an investigation into a misdemeanor or felony, or an allegation that the person being interviewed committed an act that, if committed by an adult, would constitute a misdemeanor or felony shall be electronically recorded.
- (b) If at any time during an interview the juvenile asks to speak with their parent or guardian before answering questions, the officer should discontinue questioning until the juvenile has been given this opportunity. Unless the juvenile specifically invokes the right to remain silent, the officer may continue questioning after a parental consultation, but should give advice of rights again before resuming the questioning. The officer should take care that the parent is not asked to be an agent of the police during the parental consultation.
- (c) If at any time a juvenile is in police custody or is being interviewed by police, and the juvenile's parent or guardian contacts the police to invoke the juvenile's right to remain silent, the youth shall be informed of their parent's request that they remain silent. The

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officer should not continue the interview without first contacting and seeking advice from the District Attorney. If the determination is made to continue the interview, the officer should then re-read the juvenile their Miranda rights and asked if they wish to continue with the interview.

- (d) Officers shall ensure parental notification is made within a reasonable amount of time when a child is interviewed as a suspect in a criminal investigation. This notification can be made before or after the interview depending on the circumstances surrounding the investigation.

902.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

Juvenile Offender - A juvenile taken into custody under ORS 419C.080 shall be photographed and fingerprinted (ORS 419A.250(2)).

A juvenile may also be fingerprinted or photographed under the following circumstances (ORS 419A.250(1)):

- (a) Pursuant to a search warrant.
- (b) According to laws concerning adults if the youth has been transferred to criminal court for prosecution.
- (c) Upon consent of both the child or youth and the child or youth's parent after advice that they are not required to give such consent.
- (d) Upon request or consent of the child's parent alone if the child is less than 10 years of age, and if the law enforcement agency delivers the original photographs or fingerprints to the parent and does not make or retain any copies thereof; or
- (e) By order of the juvenile court.

A fingerprinting/photography station equipped with a camera, fingerprint cards and supplies will be located in the Temporary Holding Facility. When applicable, officers shall complete the fingerprinting and photographing procedure (including downloading the photo to a secure file) and forward the appropriate documents to Police Records for processing.

Fingerprints and photographs of juveniles must be kept separate from those of adults. Fingerprints and photographs of juvenile offenders shall be sent to the Oregon State Police (OSP) repository at the OSP Bureau of Criminal Identification office (central state depository). Fingerprints and photographs of other/status offense juveniles should not be sent to any central state or federal depository (ORS 419A.250).

902.15 RECORDS

Fingerprint and photograph files or records of juveniles must be kept separate from those of adults (ORS 419A.250).

Reports and other material relating to juveniles is generally considered privileged and may not be disclosed directly or indirectly except as provided in the Records Maintenance and Release Policy.

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902.16 TRAINING

Department members should receive annual training and be familiar with this policy and any supplemental procedures.

Prison Rape Elimination

903.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Beaverton Police Department Temporary Holding Facilities (28 CFR 115.111).

903.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of their uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

903.2 POLICY

The Beaverton Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Beaverton Police Department will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

903.3 PREA COORDINATOR

The Services Division Captain shall develop, implement, and oversee department efforts to comply with PREA standards in the Beaverton Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of Beaverton Police Department prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
 - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
 - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
 - 3. A process to document all referrals to other law enforcement agencies.
 - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
 - 5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).
 - 1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.
- (h) Publishing on the department's website:
 - 1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).
 - 2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

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- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).
 - 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
 - 2. The data shall be aggregated at least annually.

903.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

903.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the on-duty supervisor any knowledge, suspicion or information regarding:

- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against prisoners or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

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903.4.2 PATROL LIEUTENANT RESPONSIBILITIES

The Patrol Lieutenant shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Patrol Lieutenant shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Patrol Lieutenant shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Patrol Lieutenant shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

903.5 INVESTIGATIONS

The Department shall ensure all allegations, including third-party and anonymous reports of sexual abuse or sexual harassment are promptly, thoroughly, and objectively investigated.

903.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

903.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

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- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Beaverton Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

903.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

903.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

903.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

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903.6 RETALIATION PROHIBITED

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

903.7 REVIEWS AND AUDITS

903.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation.

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The investigator shall prepare a report of their findings, including any determinations made pursuant to this section and any recommendations for improvement.

903.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.

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- (e) An assessment of the department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police or authorized designee.

903.8 RECORDS

The Department shall retain all written reports in accordance with the applicable provisions of the Oregon Revised Statutes and Oregon Administrative Rules.

903.9 TRAINING

All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Sergeant shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Beaverton Police Department and that are promulgated and maintained by the Human Resources Department.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Beaverton Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Investigations Division Captain should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, community academies, local colleges, universities and the military.
- (e) Employee referral and recruitment strategies.
- (f) Consideration of shared or collaborative regional testing processes.

The Investigations Division Captain shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

Recruitment and Selection

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)
 - (a) The personnel records of any applicant for officer, regardless of rank, or reserve officer shall be requested from any law enforcement agency where the applicant was previously employed and reviewed prior to extending an offer of employment (ORS 181A.667).
 - (b) Employment information from another law enforcement agency is confidential and may not be disclosed except as provided in ORS 192.355. The information received may only be used for investigative leads and shall be independently verified (ORS 181A.668).
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.) of sworn applicants
 - (a) Review and use of information contained in an applicant's credit history shall also be in accordance with ORS 659A.320.
- (g) Local, state, and federal criminal history record checks
- (h) Medical and psychological examination of sworn applicants (may only be given after a conditional offer of employment)
- (i) Review board or selection committee assessment

1000.4.1 VETERAN PREFERENCE

Veterans of the United States Armed Forces who served on active duty and who meet the minimum qualification for employment may receive preference pursuant to ORS 408.230.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify their personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Beaverton Police Department (OAR 259-008-0015).

Recruitment and Selection

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the Fair Credit Reporting Act (15 USC § 1681d).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Background investigators are authorized access to personal social media accounts for the purposes of hiring. The Investigations Division or their designee may require candidates to provide passwords, account information, or access to password-protected social media accounts (ORS 659A.330).

The Investigations Division should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Investigations Division should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.5 STATE NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with ORS 659A.320.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time

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- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (OAR 259-008-0010; OAR 259-008-0300). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Department should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by the Oregon Department of Public Safety Standards and Training (DPSST), including the following (OAR 259-008-0010; OAR 259-008-0300):

- (a) Be a citizen of the United States or a nonimmigrant legally admitted to the United States under a Compact of Free Association within 18 months of hire date
- (b) Be at least 21 years of age
- (c) Be fingerprinted for a check by the Oregon State Police Identification Services Section within 90 days of employment
- (d) Be free of convictions for any of the following:
 - 1. Any felony
 - 2. Any offense for which the maximum term of imprisonment is more than one year
 - 3. Any offense related to the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug
 - 4. Any offense that would subject the candidate to a denial or revocation of a peace officer license

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- (e) Meet the moral fitness standards
- (f) Possess a high school diploma, GED equivalent, or a four-year post-secondary degree
- (g) Complete a medical examination
- (h) Meet the physical standards requirements
- (i) Complete a psychological screening (ORS 181A.485)
- (j) Complete a law enforcement skills proficiency test

1000.8 PROBATIONARY PERIODS

The Investigations Division should coordinate with the Beaverton Human Resources Department to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The Beaverton Police Department utilizes performance evaluations to measure performance and to use as a factor in making personnel decisions that relate to promotion, reassignment, discipline, demotion and termination. The evaluation is intended to serve as a guide for work planning and performance review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 FULL-TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for six or 12 months (depending on the employee's CBA) before being eligible for classification as permanent employees. An evaluation is completed at the end of employee's probationary period.

Sworn personnel are on probation for 18 months before being eligible for classification as permanent employees. An evaluation is completed at the end of the employee's probationary period.

1001.4 FULL-TIME PERMANENT STATUS PERSONNEL

Regular full-time and part-time employees are subject to annual performance evaluations.

1001.5 EVALUATION MEETING

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may also write comments in the employee comments section of the performance evaluation report.

Evaluation of Employees

1001.6 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded up the chain of command. The evaluation will be reviewed for fairness, impartiality, uniformity, and consistency.

1001.7 EVALUATION DISTRIBUTION

Original performance evaluations shall be maintained in the employee's personnel file in the Human Resources Department and a copy will be given to the employee. A copy will also be retained in the supervisor's working file.

Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Beaverton Police Department.

1002.2 DEFINITIONS

Promotion - Advancement as a result of selection, based on a competitive process, for a permanent position identified by a separate job description and a separate and higher pay range than the position previously held.

Special assignment - Special assignments include particular duties of a classification assigned by the department to a specific employee. Examples of special assignments include, but are not limited to traffic motor officer, detective, canine officer, and youth services officer.

Transfer - Assignment to a different shift, work assignment or duty station. Although the duration of the assignment may vary, it generally is considered to be temporary and subject to change at the discretion of the Division Captain. The applicability of premium pay to a particular assignment based on special skills or hazardous duty does not alter the temporary nature of the assignment and does not constitute a promotion.

1002.3 POLICY

The Beaverton Police Department determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1002.4 ANNOUNCEMENTS

All special assignment and promotional opportunities with the department will be announced via city email and/or electronic means, such as the city's intraweb.

- (a) Posting Period. Unless otherwise specified, written notices will be posted for ten normal working days. In the event of an urgent need to fill a vacancy, the posting period may be reduced to five normal working days.

1002.5 SPECIAL ASSIGNMENTS

1002.5.1 POSITION DESCRIPTIONS

A position description defines an assignment within a job classification. Example: Lieutenant-CID, Sergeant-Training, Police Officer-Traffic, Police Officer-Detective, etc. Special assignment job descriptions consist of:

- Description of job (purpose and how it functions within the department)
- Minimum requirements

Special Assignments and Promotions

- Assignment period
- Special requirements

The Investigations Division Captain will ensure position descriptions are periodically reviewed and up to date. Position descriptions are maintained in the Professional Standards Unit.

1002.5.2 SUBMISSION REQUIREMENTS AND SELECTION PROCESS

Submission requirements and the selection process for each special assignment recruitment will be outlined in the position posting memo distributed by Professional Standards.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief of Police.

1002.5.3 EVALUATION CRITERIA

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police. Evaluation criteria for each special assignment recruitment will be included in the position posting memo distributed by Professional Standards.

1002.6 PROMOTIONS

The vitality of the department is maintained through selection and promotion of the most qualified individuals to positions of increased responsibility. The selection process is advanced by accurately evaluating members' performance as part of the performance evaluation system. Performance evaluation and promotion are governed by the city's personnel rules.

1002.6.1 PROMOTIONAL POSITIONS/JOB CLASSIFICATIONS

A job classification defines a promotional position. Example: Chief of Police, Captain, Lieutenant, Sergeant, etc.

Job classifications consist of:

- General summary (of the position)
- Key distinguishing duties
- Essential functions (performed)
- Other functions (performed)
- Minimum qualifications required for entry
 - Training and experience
 - Licensing/special requirements
 - Knowledge required for entry
 - Skills required for entry
- Working conditions

Special Assignments and Promotions

1002.6.2 PROMOTIONAL REQUIREMENTS

Requirements and information regarding promotional processes are available in the City of Beaverton Employee Handbook or through the Human Resources Department.

1002.7 TRANSFERS

All transfers within the department will be made on the basis of the Department's needs. The Chief of Police will make the final decision regarding any transfers and duration of assignments.

1002.7.1 REQUESTS FOR TRANSFER

All requests for transfer will be submitted through the chain of command and will state reason transfer is requested.

Grievance Procedure

1003.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. This department's philosophy is to promote a free verbal communication between employees and supervisors.

1003.1.1 GRIEVANCE DEFINED

For the purposes of this procedure a grievance is any difference of opinion concerning terms or conditions of employment, or a dispute involving the interpretation, or application of any department policies or City rules and regulations covering personnel practices or working conditions, by the affected persons.

Grievances may be brought by an individually affected employee or by a group representative.

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to city policies. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy federal, state, or local law, as set forth in the Personnel Complaints Policy.

Anti-Retaliation

1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1004.2 POLICY

The Beaverton Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because they has engaged in protected activity.

Anti-Retaliation

1004.4 COMPLAINTS OF RETALIATION

Any member who feels they have been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

Anti-Retaliation

1004.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1004.7 WHISTLE-BLOWING

Oregon law protects employees who disclose or threaten to disclose information that the employee reasonably believes is evidence of (ORS 659A.203):

- (a) A violation of federal, state, or local law, rule, or regulation.
- (b) Mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.
- (c) A person who is receiving public assistance is subject to a felony or misdemeanor warrant.

Employees are encouraged to report such violations or disclosures of information through the chain of command (ORS 659A.221; ORS 654.062).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards Division for investigation pursuant to the Personnel Complaints Policy.

1004.8 RECORDS RETENTION AND RELEASE

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1004.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Arrests, Convictions, and Court Orders

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Beaverton Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

1005.2 POLICY

The Beaverton Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

1005.3 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Oregon and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; ORS 107.095(5); ORS 166.255; ORS 166.270; ORS 166.527).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

OAR 259-008-0300 prohibits any person convicted of a felony and certain other crimes from being a peace officer in the State of Oregon. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1005.5 REPORTING

All members and all retired officers with identification cards issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or

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Reporting of Arrests, Convictions, and Court Orders

foreign country, regardless of whether the matter was dropped or rejected, is currently pending, or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if they become the subject of a domestic violence restraining order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable DPSST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on their own time and at their own expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1005.6 DEPARTMENT OF PUBLIC STANDARDS AND TRAINING (DPSST) NOTIFICATION

An officer who is arrested or who receives a criminal citation to appear, or its equivalent, shall notify DPSST in writing within five business days of the following (OAR 259-008-0010(5); OAR 259-008-0011(3)):

- (a) The date of the arrest or citation
- (b) The location of the arrest or citation
- (c) The reason for the arrest or citation
- (d) The arresting or citing agency

Drug-Free and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1006.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Patrol Lieutenant or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1006.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1006.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Drug-Free and Alcohol-Free Workplace

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1006.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1006.6 WORK RESTRICTIONS

If a member informs a supervisor that they have consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from their physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that they are safely transported away from the Department.

1006.7 SCREENING TESTS

Employees shall be subject to testing based upon the criteria and procedures set forth in the applicable Collective Bargaining Agreement and the City of Beaverton Employee Handbook. A supervisor may request an employee to submit to a screening test under the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.

1006.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

Drug-Free and Alcohol-Free Workplace

1006.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City Employee Handbook or applicable collective bargaining agreement (ORS 653.606; ORS 653.611).

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid protected leave from work for certain personal, family, or medical reasons provided for under the law. (29 USC § 2601 et seq.; ORS 659A.150 et seq.; ORS 659A.270 et seq.).

1007.2 POLICY

It is the policy of the Beaverton Police Department to provide eligible employees with a sick leave benefit in accordance with the Oregon Sick Time Law (ORS 653.601 et seq.).

1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualifying absences under the Oregon Sick Time Law (ORS 653.616; OAR 839-007-0020). Refer to the Employee Handbook or associated collective bargaining agreement for additional information on qualifying absences.

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

1007.3.1 NOTIFICATION

All members should notify the appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, members shall make such notification no less than one hour before the start of their scheduled shifts or as soon as practicable when there are extenuating circumstances. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (ORS 653.621; OAR 839-007-0040).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 10 days' notice of the impending absence. The member shall make a reasonable attempt to schedule the use of sick time so that it does not disrupt the operations of the department (ORS 653.621; OAR 839-007-0040).

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Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1007.4 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as protected leave and consulting with Human Resources as appropriate.
- (c) Addressing absences and sick leave use, not protected by law, in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

1007.5 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work (ORS 653.626; OAR 839-007-0045).

Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring an employee to submit a health care provider's verification of illness for an absence of three or fewer days where the supervisor reasonably suspects sick leave abuse. (ORS 653.626; OAR 839-007-0045).

Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Beaverton Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY

The Beaverton Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE CONTROL OFFICER

The Community Services Lieutenant shall serve as the Department's Exposure Control Officer (ECO). The ECO will work with the City Attorney's Risk and Safety Officer to communicate and ensure compliance with the city's exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 - (a) Complying with the Oregon Safe Employment Act (ORS 654.001 et seq.).

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- (b) Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
- (c) Exposure control mandates in 29 CFR 1910.1030 including bloodborne pathogen precautions (OAR 437-002-0360).

The ECO should also act as the liaison with the Oregon Occupational Safety and Health Administration (OR-OSHA) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan.

[See attachment: Policy 1008 City Bloodborne Pathogens Exposure Control Plan 12-2020.pdf](#)

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; OAR 437-002-0360; OAR 437-001-0760; OAR 437-002-0134):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking or smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

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- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; OAR 437-002-0360).

Other preventive, no-cost immunizations shall be provided to members who are at risk of contracting a communicable disease if such preventive immunization is available and is medically appropriate. A member shall not be required to be immunized unless such immunization is otherwise required by federal or state law, rule or regulation (ORS 433.416).

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.
- (d) Complete the city's Personnel Exposure Report as soon as practicable for all Level 1, 2, and 3 exposures. Link: [Personnel Exposure Report](#)

Exposure Level	Exposure Description	Action Required
LEVEL 1	Contact limited to being in the presence of a person suspected of having a communicable disease.	No special action required unless the person has or is suspected to have an airborne disease such as TB or Meningitis. Follow airborne exposure guidelines. Complete a Personnel Exposure Report.
LEVEL 2	Contamination of intact skin, clothing, or equipment with blood and/or body fluids.	Follow decontamination procedures, such as hand washing and laundry requirements. Complete a Personnel Exposure Report.
LEVEL 3	Exposure of open skin, cuts or breaks, mucous membranes, such as eyes, nose or mouth, to blood or body fluids. This includes needle stick and human bites.	Follow action outlined in blood borne exposure guidelines. (Refer to attached exposure reporting protocol.) Complete a Personnel Exposure Report.

1008.6 REPORTING

1008.6.1 EMPLOYEE RESPONSIBILITIES

In order to provide appropriate and timely treatment should an exposure or suspected exposure occur, all employees shall report the exposure to their supervisor and complete a Personnel

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Exposure Report for all Level 1, 2 and 3 exposures as soon as practicable. Employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

1008.6.2 SUPERVISOR RESPONSIBILITIES

The on-duty supervisor shall evaluate every exposure or suspected exposure as soon as possible following the incident, determine the appropriate course of action, ensure the City of Beaverton Personnel Exposure Report is completed for all Level 1, 2 and 3 exposures, and the proper notifications are made.

The personnel exposure report, workers' compensation report, or any report required by the City, will be provided to the Occupational Health Nurse, the consulting physician and to the City Attorney's Risk and Safety Officer.

The supervisor shall ensure the following information is documented (29 CFR 1910.1030; OAR 437-002-0360) on the city's Personnel Exposure Report:

- (a) Name of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1008.6.3 PUBLIC HEALTH REQUIREMENTS

ORS 433.009 requires if, during the course of a criminal investigation, a law enforcement unit acquires information the person who is charged with a crime or sentenced for a crime has a reportable disease, the law enforcement unit shall disclose information to the public health authorities who shall confirm the diagnosis and notify any police officer, corrections officer or emergency medical technician who had significant exposure to the person. A reportable disease means a disease or condition, the reporting of which enables a public health agency to take action to protect or to benefit the public health.

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- Exposure reporting services are available 24/7 at 1-877-436-7669. The answering service will contact on-call personnel to assess and advise on the exposure. (Refer to the City's Exposure Reporting Protocol.)
- Washington County Health Department Communicable Disease Division (503) 846-3594 reporting line is available 24/7. Link: [Wash. Co. Health Dept Communicable Diseases Website](#)

Potential Diseases Exposure:

- Animal bites (of humans)
- Anthrax (*Bacillus anthracis*)
- Arthropod vector-borne disease (babesiosis, California encephalitis, Colorado tick fever, dengue, Eastern equine encephalitis, ehrlichiosis, Kyasanur Forest disease, St. Louis encephalitis, West Nile fever, Western equine encephalitis, etc.)
- Botulism (*Clostridium botulinum*)
- Brucellosis (*Brucella*)
- Campylobacteriosis (*Campylobacter*)
- Chancroid (*Haemophilus ducreyi*)
- Chlamydiosis (*Chlamydia trachomatis*, lymphogranuloma venerum)
- Cholera (*Vibrio cholerae* 01, 0139, or toxigenic)
- COVID-19 (SARS-CoV-2)
- Creutzfeldt-Jakob disease (CJD) and other transmissible spongiform encephalopathies
- Cryptococcosis (*Cryptococcus*)
- Cryptosporidiosis (*Cryptosporidium*)
- Cyclosporiasis (*Cyclospora cayetanesis*)
- Diphtheria (*Corynebacterium diphtheriae*)
- Enterobacteriaceae family found to be non-susceptible to any carbapenem antibiotic
- *Escherichia coli* (Shiga-toxigenic, including *E. coli* O157 and other serogroups)
- Giardiasis (*Giardia*)
- Gonococcal infections (*Neisseria gonorrhoeae*)
- *Haemophilus influenzae* (any isolation or identification from a normally sterile site)
- Hantavirus
- Hemorrhagic fever caused by viruses of the filovirus (e.g., Ebola, Marburg) are arenavirus (e.g., Lassa, Machupo families)
- Hemolytic uremic syndrome
- Hepatitis A

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- Hepatitis B (acute or chronic infection)
- Hepatitis C
- Hepatitis D (delta)
- Hepatitis E
- HIV infection (does not apply to anonymous testing) and AIDS
- Influenza (novel)
- Influenza (laboratory confirmed) death of a person <18 years of age
- Lead poisoning
- Legionellosis (*Legionella*)
- Leptospirosis (*Leptospira*)
- Listeriosis (*Listeria monocytogenes*)
- Lyme disease (*Borrelia burgdoferi*)
- Malaria (*Plasmodium*)
- Marine Intoxication (intoxication caused by marine microorganisms or their by-products (e.g., paralytic shellfish poisoning, domoic acid intoxication, ciguatera, scombroid)
- Measles (rubeola)
- Mumps
- *Neisseria meningitidis*
- Outbreaks and uncommon illnesses (any known or suspected common-source outbreak; any uncommon illness of potential public health significance)
- Pelvic inflammatory disease (PID, acute, non-gonococcal)
- Pertussis (*Bordetella pertussis*)
- Pesticide poisoning
- Plague (*Yersinia pestis*)
- Poliomyelitis
- Psittacosis (*Chlamydophila psittaci*)
- Q fever (*Coxiella burnetii*)
- Rabies (human)
- Relapsing fever (*Borrelia*)
- *Rickettsia* (all species: Rocky Mountain spotted fever, typhus, others)
- Rubella
- Salmonellosis (*Salmonella*, including typhoid)
- SARS (Severe Acute Respiratory Syndrome and infection by SARS-coronavirus)

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- Shigellosis (Shigella)
- Smallpox (variola major)
- Syphilis (Treponema pallidum)
- Taenia infection (including cysticercosis and tapeworm infections)
- Tetanus (Clostridium tetani)
- Tricinosis (Trichinella)
- Tuberculosis (Mycobacterium tuberculosis and M. bovis)
- Tularemia (Francisella tularensis)
- Vibriosis (other than cholera)
- Yellow fever
- Yersiniosis (other than plague)

1008.7 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (29 CFR 1910.1030; OAR 437-002-0360).

The City Attorney's Risk and Safety Officer should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the City Attorney's Risk and Safety Officer.

1008.8 COUNSELING

The Department shall provide the member, and their family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; OAR 437-002-0360).

1008.9 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the City Attorney's Risk and Safety Officer. If the Risk and Safety Officer is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.

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- (b) Contacting the Oregon Health Authority to seek voluntary consent for source testing for HIV (ORS 433.065).
- (c) Petitioning for a court order to compel source testing for HIV or other communicable diseases as defined by ORS 431A.005, if a good faith effort to obtain voluntary consent is requested from the source person and not obtained (ORS 433.080; ORS 431A.570).
- (d) Working with the district attorney if the person is charged with a criminal offense that may involve exposure to a communicable disease (ORS 135.139).

Since there is the potential for overlap between the different manners in which source testing may occur, the Risk and Safety Officer is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The Risk and Safety Officer should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if they refuse.

1008.10 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; OAR 437-002-0360):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting their potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

1008.11 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Beaverton Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY

The Beaverton Police Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. Smoking and tobacco use also presents an unprofessional image for the Department and its members. It is the policy of the Beaverton Police Department that tobacco use by employees is prohibited anytime employees are in public view representing the Department and/or in prohibited areas as described in City Policy. (Refer to the City Employee Handbook Policy 9.5 Tobacco Products.)

City of Beaverton-owned and wholly leased properties are designated as tobacco-free campuses. Smoking and the use of other tobacco products are not permitted inside or outside any City facility, office, or vehicle, or at any city-sponsored event or venue.

It shall be the responsibility of each employee to ensure that no person under their supervision smokes or uses any tobacco product that contradicts City Policy.

1009.3 ADDITIONAL PROHIBITIONS

Visitors and the public shall not be allowed to smoke in any department facility (ORS 433.845).

Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Beaverton Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation. The policy is meant to ensure any disciplinary action taken against an employee only occurs with just cause.

1010.2 POLICY

The Beaverton Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the division manager is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member. Informal complaints need not be documented on a personnel complaint form. The responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to Professional Standards, depending on the seriousness and complexity of the investigation.

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Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or Professional Standards, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall handle and/or document the complaint as appropriate.

1010.5 DOCUMENTATION AND AUDITS

Supervisors shall ensure all formal complaints are documented on a Professional Standards complaint form. The supervisor shall ensure the nature of the complaint is defined as clearly as possible. All complaints and inquiries should also be documented in the Professional Standards Database. On an annual basis, complaints entered into the Professional Standards database should be audited and an audit report sent to the Chief of Police or authorized designee.

1010.5.1 COMPLAINANT NOTIFICATION

Upon receipt of the complaint, reasonable effort shall be made by the investigator to contact the complainant (e.g., telephone, e-mail, or letter). Information shall be documented whether or not contact was made. Once the investigation is complete, Professional Standards shall notify the complainant of the investigation's findings.

1010.5.2 COMPLAINTS ALLEGING PROFILING

Complaints related to profiling should be clearly marked "Disparate Treatment" to assist in reporting as required in the Bias-Based Policing Policy (ORS 131.920).

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1010.5.3 EVALUATION OF COMPLAINTS

Professional Standards shall complete an annual analysis of complaints to determine if there are training deficiencies, policy concerns, and/or personnel issues. The report will be forwarded to the Chief of Police by January 31 of the following year.

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows. [See attachment: Discipline_Flow_Chart_02-15.jpg](#)

1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a Professional Standards form is completed.
 - (a) The original Professional Standards complaint form will be directed to the division manager of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - (b) In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Captain or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will advise the division manager of the resolution.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the division manager, division captain, and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Human Resources Department and the division manager for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

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- (f) Forwarding unresolved personnel complaints to the division manager, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - (a) Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - (b) When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.
- (k) Providing the complainant with periodic updates on the status of the investigation, as appropriate.

1010.6.2 MINOR FORMAL COMPLAINTS

- (a) Supervisors shall handle all minor formal complaints. Minor formal complaints are classified as:
 - (a) Minor property damage (departmental property less than \$1,000)
 - (b) Minor vehicle accidents (single or city vehicles only; damage less than \$1,000 and driving behavior not dangerously egregious)
 - (c) Missed court (first occurrence in six month or second in 18 months)
 - (d) Minor driving complaints/violations (speed, talking on the phone, signaling etc., less than three every 12 months)
 - (e) Tardiness
 - (f) Second uniform inspection violation (supervisor checks previous three inspections (12 months); repeat offense is a minor violation, three or more is progressive.) For example, a missing gas card on an officer's first rotation, which is still missing on a second rotation is a minor complaint. If, then, a new card is issued and the employee loses the second card before the third rotation, there is more progressive discipline.
 - (g) Missed non-subpoenaed appointments (training, hearing tests and meetings, less than three every 12 months.)

1010.6.3 MINOR FORMAL COMPLAINT INQUIRY STEPS

- (a) A supervisor notified of a minor formal complaint shall fill out a Professional Standards Complaint Form and conduct an inquiry into the facts of the complaint by interviewing the involved officer(s).
 1. The supervisor will obtain the facts of the incident and memorialize the information on the Professional Standards form.

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- (b) Once the inquiry is complete, the supervisor shall meet with their respective division manager and brief the manager on the facts of the complaint.
- (c) The supervisor and the manager shall check the subject employee's Professional Standards history for recent relative conduct prior to investigating, and determine what, if any discipline may be issued. Once the potential discipline level is determined and the incident is investigated, the supervisor and the division manager should consult with the Professional Standards Lieutenant to maintain consistency of departmental discipline.
- (d) The finding of the investigation and a copy of the disciplinary action, if applicable, shall be documented on the Professional Standards form and forwarded to the Professional Standards Lieutenant. If discipline is issued in the form of a written warning or written reprimand the original shall be filed with Human Resources.
- (e) The Professional Standards Lieutenant shall brief each respective Division Captain on minor formal complaints occurring in their division.

1010.6.4 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of Professional Standards, the following applies to employees, including, public safety officers covered by the provisions of ORS 236.350 through ORS 236.360, or as provided by the Collective Bargaining Agreement.

- (a) Interviews of an accused employee shall be conducted during reasonable (normal waking) hours and preferably when the employee is on-duty, unless the seriousness of the investigation requires otherwise. If the employee is off-duty, they shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Beaverton Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) The interviewers shall inform the employee of their authority to compel a statement and of the identity of the investigators and all persons present during the interview.
- (e) Prior to any interview, an employee should be informed of the nature of the investigation and of facts reasonably sufficient to inform the employee of the circumstances surrounding the allegations under investigation.
- (f) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (g) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
- (h) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators

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should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
 - (i) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview, and upon request any existing transcripts of the interview or reports describing the interview, shall be provided to the employee prior to any subsequent interview.
 - (j) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
 - (k) In a disciplinary or administrative investigation, the employee's chosen representative cannot be required to disclose, or be subject to disciplinary action for refusing to disclose, statements made by the employee to the representative for purposes of the representation.
 - (l) As soon as it is determined that the employee may be charged with a criminal offense, the employee shall be informed of the employee's right to consult with criminal defense counsel with respect to the criminal charge.
 - (m) All employees shall provide complete and truthful responses to questions posed during interviews.
 - (n) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1010.6.5 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

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Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1010.6.6 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Policy issue -When everything in the complaint is determined to be accurate, including the member's actions, but the issue appears to require a modification of policy the finding for the member should be exonerated. The need for potential policy modification shall be immediately directed to the Chief of Police for action.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.6.7 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1010.6.8 COMPLETION OF INVESTIGATIONS

The Investigations Division Captain shall ensure investigations are completed and members, including public safety officers are provided notification of intended discipline no later than three months from the date of the first interview unless circumstances prevent the investigation from being completed. The Chief of Police or Investigations Division Captain may extend the investigation to a maximum of 12 months from the date of the first interview, provided that, before the extended period begins, the Department gives written notice explaining the reason for the extension to the member, including public safety officers and the member's chosen representative and union representative, if any (ORS 236.360(6)(a)).

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The above time limits do not apply to members, including public safety officers when (ORS 236.360(6)(b)):

- (a) The investigation involves a member who is incapacitated or unavailable.
- (b) The investigation involves an allegation of workers' compensation or disability fraud by the member.
- (c) The member, in writing, waives the limit.
- (d) The investigation requires a reasonable extension of time for coordination with one or more other jurisdictions.
- (e) The investigation involves more than one member and requires a reasonable extension of time.
- (f) The alleged misconduct is also the subject of a criminal investigation or criminal prosecution. Time does not run for the period during which the criminal investigation or criminal prosecution is pending.
- (g) The investigation involves a matter in civil litigation in which the member is a named defendant or the member's actions are alleged to be a basis for liability. Time does not run for the period during which the civil action is pending.
- (h) The investigation is the result of a complaint by a person charged with a crime. Time does not run for the period during which the criminal matter is pending.

1010.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process, if such information tends to indicate a conflict of interest with official duties or if the employee is assigned to, or being considered for, a special assignment with a potential for bribes.

An investigative search of such areas shall only be conducted with the approval of the Chief of Police or authorized designee upon reasonable suspicion that official misconduct is involved.

1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

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- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.
- (d) The administrative leave may be paid or unpaid, at the determination of the Chief of Police and based upon the nature of the offense and other circumstances. At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification cards and other equipment returned. If the leave was unpaid, the employee shall be made whole.

1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Beaverton Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action. Forms of discipline include, but are not limited to, training, counseling and punitive action.

1010.10.1 DIVISION CAPTAIN RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Captain of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Captain may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Captain may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

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When forwarding any written recommendation to the Chief of Police, the Division Captain shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1010.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Captain for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed their response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1010.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint and may provide a written summary of the information obtained in the investigation as the Chief of Police finds necessary to explain the action taken (ORS 181A.674).

If the complaint is related to profiling, the complainant shall be notified in writing with a statement of the final disposition within a reasonable time after the conclusion of the investigation (ORS 131.920).

1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review

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the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1010.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules.

1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

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1010.16 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING COMPLAINTS

Complaints received from the Department of Public Safety Standards and Training (DPSST) that involve officers or dispatchers will be investigated as outlined in this policy. The Chief of Police or the authorized designee is responsible for notifying DPSST of the disposition of the complaint (OAR 259-008-0400).

1010.17 NOTIFICATION TO THE DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

The Chief of Police or the authorized designee shall ensure DPSST is notified as follows:

- (a) When an investigation of misconduct under ORS 181A.681 results in a sustained finding of a report of misconduct (ORS 181A.683).
 - 1. Notification is not required when an investigation results only in a finding that sustains a report of a violation of the minimum standards for physical, emotional, intellectual and moral fitness for public safety personnel established under ORS 181A.410.
- (b) Investigations of misconduct or violation shall be conducted within three months after the date of the report unless circumstances prevent the investigation from being completed.
- (c) Within 10 days after an economic sanction as part of discipline imposed on a police officer has become final and the arbitration is complete, a report with the following information (ORS 181A.686):
 - 1. The name and rank of the officer disciplined.
 - 2. The name of the Beaverton Police Department.
 - 3. A copy of any final decision including the underlying facts and the imposed discipline.

Safety Belts

1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1011.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1011.2 POLICY

It is the policy of the Beaverton Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1011.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained (ORS 811.210).

1011.4 TRANSPORTING CHILDREN

A child restraint system should be used for all children of an age, height or weight for which such restraints are required by law (ORS 811.210).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of safety belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1011.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by safety belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints. In unusual circumstances where it is unsafe or impractical to do so, prisoners may be transported without the use of safety belts (ORS 811.215(6)).

Safety Belts

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1011.6 INOPERABLE SAFETY BELTS

Department vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

Department vehicle safety belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1011.7 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1011.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1012.2 POLICY

It is the policy of the Beaverton Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1012.3 ISSUANCE OF BODY ARMOR

The Department shall ensure that body armor is issued to all officers when the officer begins service at the Beaverton Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Department shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1012.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.
- (f) Officers that are excused from wearing body armor must have it readily available.

Body Armor

1012.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections for fit, cleanliness and signs of damage, abuse and wear.

1012.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Body armor should not be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in vehicles or vehicle trunks. Every reasonable attempt should be made to avoid long term storage of body armor in vehicles or vehicle trunks.

Body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the body armor cannot be located, contact the manufacturer to request care instructions.

Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1012.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name. Refer to the City's Employee Handbook regarding personnel records and files.

1013.2 DEPARTMENT FILE

The department file shall be maintained in the Human Resources Department as a permanent record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be retained at least until updated or the employee separates.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be retained for a minimum of six years after separation.
- (d) Original performance evaluations. These should be retained for a minimum of six years after separation.
- (e) Discipline records, including copies of sustained personnel complaints.
 - 1. Investigations resulting in disciplinary action or exoneration shall be retained for three years after resolution and in accordance with the Department's established records retention schedule (OAR 166-200-0350).
 - 2. Investigations resulting in termination shall be retained for 10 years after the member separation and in accordance with the Department's established records retention schedule (OAR 166-200-0350).
 - 3. Unfounded investigation records and all related files not resulting in disciplinary action shall be retained for three years and in accordance with the Department's established records retention schedule (OAR 166-200-0350).
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (ORS 652.750).
 - 2. Any member response shall be attached to and retained with the original adverse comment.
 - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment (ORS

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652.750). Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.

- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

Unless otherwise noted, personnel files shall be retained for a minimum of six years after separation and in accordance with the Department's established records retention schedule (OAR 166-200-0305).

1013.3 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations. Any adverse comments shall be provided to the member prior to being placed in the file in accordance with ORS 652.750.

1013.4 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or material that reveals the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.
- (f) Drug testing records. These records shall be retained as follows (OAR 166-200-0315):
 - 1. Positive drug tests records shall be retained for a minimum of five years and in accordance with the Department's established records retention schedule.
 - 2. Negative drug tests records shall be retained for a minimum of one year and in accordance with the Department's established records retention schedule.

Member medical records shall be retained for a minimum of six years after separation from the Department and in accordance with the Department's established records retention schedule (OAR 166-200-0315).

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Medical records relating to hazard exposure shall be retained for 30 years after separation and in accordance with the department established records retention schedule (29 CFR 1910.1020(d)).

1013.4.1 INTERNAL AFFAIRS FILE

The Professional Standards file shall be maintained under the exclusive control of the Professional Standards Division in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Professional Standards Division. These files shall contain:

- (a) The complete investigation of all formal complaints of employee misconduct regardless of disposition.

1013.5 MEMBER ACCESS TO THEIR PERSONNEL RECORDS

A member or former member may request to review their personnel file. The request should be made to the Human Resources Department. Human Resources will ensure the member is provided a reasonable opportunity to review their personnel file or, if requested, receive a certified copy of the records as provided in ORS 652.750.

If a member believes that any portion of the material is mistakenly or unlawfully placed in the member's personnel record, the member may submit a written request to the Director of Human Resources that the alleged mistaken or unlawful material be corrected or deleted. The request must describe the corrections or deletions requested and the reasons supporting the request and provide any documentation that supports the request. The Director of Human Resources must respond within 30 days from the date the request is received. If the Director of Human Resources chooses not to make any changes, the Director of Human Resources shall ensure that a written response to the request is made. The Director of Human Resources shall ensure that the request and response is placed in the member's personnel record (ORS 652.750).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for Department planning purposes.

Personnel Records

- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1013.6 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Commendations and Awards

1014.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Beaverton Police Department and individuals from the community.

1014.2 POLICY

It is the policy of the Beaverton Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community, informally through verbal and written communication (e.g., email), and formally through commendations and awards.

1014.3 RECOGNITION AND APPRECIATION

All members of the agency are encouraged to recognize other members for notable performance and/or or exceptional service to the department or community. Recognition is considered informal and may be issued through any appropriate verbal or written means. Employees may request to have a copy of any written recognition placed into their personnel file. Recognition of a department member's action may be initiated by department members or community members.

1014.4 COMMENDATIONS

Commendations are a type of formal written recognition for members of the Department and may be initiated and presented at any time by any department member or by any person from the community.

Commendations and department awards are not mutually exclusive. If warranted, an individual may be nominated for the appropriate department award. (Refer to 1014.6 Awards.)

1014.5 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1014.5.1 DEPARTMENT MEMBER SUBMISSION

Members of the Department should document meritorious or commendable acts on the department commendation form. The electronic commendation form is located on the city's intraweb. Once completed, the commendation form is electronically routed through the Police Chief's Administrative Assistant for processing. The commendation form should contain:

- (a) Department member name, incident number (if applicable), division, and assignment on the date of the meritorious or commendable act.

Commendations and Awards

- (b) A detailed account of the meritorious or commendable act with report numbers, as appropriate.

1014.5.2 COMMUNITY MEMBER SUBMISSION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred (e.g., letter or email). Department members accepting the submission should attempt to obtain detailed information regarding the matter, including:

- (a) Department member's name, division, and assignment at the date and time of the meritorious or commendable act
- (b) Community member's name, address, email, telephone number
- (c) A brief account of the meritorious or commendable act with report numbers, as appropriate

The department member accepting the submission shall transfer the information to the electronic commendation form for processing.

1014.5.3 PROCESSING COMMENDATIONS

- (a) The Division Manager or Lieutenant should review and approve the completed commendation form or recommend the submitting member refer to Section 1014.3 Recognition and Appreciation if the act does not appear to rise to the level of a commendation.
- (b) Once approved, the commendation is printed by the Chief's Administrative Assistant, signed by the Chief of Police, and presented to the recipient by the Division Manager, Lieutenant, or their designee. The completed and approved commendation form should be distributed to all BPD Staff by email to publicly recognize the employee. A copy of the completed and approved commendation form will be placed in the employee's personnel file.

1014.6 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police. Award criteria is outlined in the electronic nomination form located on the city's intraweb. Awards include:

- Chief's Award
- Professional Staff Employee of the Year
- Community Member Commendation
- Dan Bortolin Community Service Award
- Distinguished Service Award
- Excellence in Victim Service Award
- K-9 Service Award

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- Lifesaving Award
- Looking Beyond the Traffic Ticket
- Medal of Valor
- Officer of the Year
- Purple Heart Medal
- Unit Commendation

1014.6.1 AWARD NOMINATIONS

The Public Information Officer (PIO) coordinates the department's awards program. Nominations for all awards shall be submitted to the PIO.

- Nominations for the current Calendar Year may be submitted anytime, but must be received by December 31 for Awards Committee consideration and subsequent formal presentation (once approved).
- The PIO will review documents for completeness and request more information if needed.
- The PIO is the designated facilitator of the Awards Committee.

1014.6.2 AWARDS COMMITTEE

The Awards Committee is chaired by the Community Engagement Team (CET) Lieutenant. The Committee reviews all award nominations submitted to the PIO to determine if award criteria is met. The Awards Committee may request additional information regarding the nominations. The Committee will forward its recommendations to the Chief of Police through the CET Lieutenant. The Chief of Police makes the final decision on award recipients.

The composition of the Awards Committee should include representatives from varying divisions and ranks within the department, including, but not limited to:

- Sergeant (2)
- Captain (any Division)
- CET Lieutenant
- Detective (1)
- Professional Staff (1)
- Police Officers (2)

With the exception of the chairperson (CET Lieutenant), an Awards Committee member should serve only one annual term. The CET Lieutenant will facilitate the annual selection process for the Awards Committee.

1014.6.3 PRESENTATION OF AWARDS

Department Awards

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Commendations and Awards

- (a) Senior Command will provide direction to the PIO regarding formal presentation of department awards. The PIO may convene a cross-departmental team to assist in managing an awards event.

Volunteer Recognition and Awards

- (a) Formal recognition of volunteers may be combined with the department awards event. All department volunteer coordinators should submit names of recipients within their respective volunteer group to the PIO for presentation of the following awards:
 - Volunteer of the Year
 - Victim Advocate of the Year
 - Reserve Officer of the Year
 - Cadet of the Year

Community Member Commendations and Awards

- (a) Formal recognition of community members may be included in the department awards event.

Fitness for Duty

1015.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their job functions.

1015.2 POLICY

The Beaverton Police Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member's physical and/or mental capabilities to determine the member's ability to perform essential functions.

1015.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of the member's position.

During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities.

Any member who feels unable to perform the member's duties shall promptly notify a supervisor. In the event that a member believes that another department member is unable to perform assigned duties, such observations and/or belief shall be promptly reported to a supervisor.

1015.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform the member's duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility, or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions.
- (f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

Fitness for Duty

1015.4.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform the member's duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document the supervisor's observations and actions in a confidential memo and inform the Patrol Lieutenant or the member's Division Captain.

1015.4.2 DUTY STATUS

In conjunction with the Patrol Lieutenant or the member's Division Captain, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of the member's job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of the member's job, the Patrol Lieutenant or the member's Division Captain should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Chief of Police shall be promptly notified in the event that any member is relieved of duty.

1015.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty.

1015.5.1 PROCESS

The Chief of Police, in cooperation with the Human Resources Department, may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Fitness for Duty

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner.

Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Human Resources Department.

1015.6 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievance Procedure Policy.

1015.7 CITY'S GOOD FAITH RIGHTS

- (a) The City reserves the right to put forth a good faith concern regarding an employee's ability to perform their essential duties in a manner that does not threaten their safety or the safety of others.
- (b) The City also reserves the right to require employees to submit verification of the precise nature of any limitations of the employee's ability to safely perform their job duties as a condition of returning the employee to work, whenever there are good faith concerns regarding an employee's limitations.
- (c) In order for an employee to return to full duty they may be required to receive a certificate from a doctor or health care professional verifying that the employee is able to perform their essential duties in a manner that does not threaten their safety or the safety of others.
- (d) All medical expenses incurred by the employee in complying with the City's good faith verification requests that are not covered by insurance will be reimbursed by the City.

Meal Periods and Breaks

1016.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the state and federal laws. Employees should consult with the City's Employee Handbook and their respective collective bargaining agreements.

1016.1.1 MEAL PERIODS

Employees while on-duty will be permitted to suspend patrol or other assigned activity for meal and break periods. Members are required to be available for immediate call at any time during their shift, including during meal and break periods.

The meal period will not exceed thirty minutes and each of the breaks will not exceed fifteen minutes. The meal period and breaks will not be combined. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City or approved by a supervisor.

The time spent for the meal period shall not exceed the authorized time allowed. No breaks or meal periods shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

No more than two uniformed units should be out at one location at the same time unless accompanied or approved by a supervisor.

Lactation Breaks

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1017.2 POLICY

It is the policy of this department to provide reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child 18 months or younger in compliance with state law and the Fair Labor Standards Act (29 USC § 207 and ORS 653.077).

1017.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; OAR 839-020-0051). In general, frequency, timing and duration of the rest period will likely vary according to the needs of the employee.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify WCCCA or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except in emergency or exigent circumstances.

1017.4 PRIVATE LOCATION

The Department will make reasonable efforts to provide lactating employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Employees occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other employees should avoid interrupting a lactating employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

Lactation Breaks

1017.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee's shift ends.

Outside Employment

1018.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1018.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1018.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Authorization Form which shall be submitted to the employee's immediate supervisor. The form will then be forwarded to the Chief of Police for approval via Chain of Command. Once approved or denied, a copy of the form will be forwarded to the requesting employee.

1018.2.1 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at their discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and their supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.

Outside Employment

- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked.
- (d) When an employee is unable to perform at regular duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's regularly assigned duties until the employee has returned to regular duty status.

1018.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment Authorization Form submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient

1018.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

No member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation as determined by the Department of all employees requested for such outside services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

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1. The officer(s) shall wear the departmental uniform/identification.
2. The officer(s) shall be subject to the rules and regulations of this department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside services shall be pursuant to normal overtime procedures.
5. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1018.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1018.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the officer's Division Captain, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1018.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1018.5 MATERIAL CHANGES TO OUTSIDE EMPLOYMENT

If an employee terminates their outside employment, the employee shall promptly submit written notification of such termination to the Chief of Police. Any subsequent request for outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material should report the change.

1018.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or

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not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify their supervisor of their intentions, the Chief may revoke permission to hold outside employment.

Criteria for revoking permission for outside employment may include, but is not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Beaverton Police Department, a written request may be made to the Chief of Police to restore permission for outside employment.

Occupational Disease and Work-Related Injury Reporting

1019.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues and work-related injuries.

1019.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An accidental injury or any disease or infection arising out of and in the course of employment that requires medical services or results in disability or death. The occupational disease (including a mental disorder) must be caused by substances or activities to which the member would not ordinarily be subjected or exposed except during employment with the Beaverton Police Department (ORS 656.005(7); ORS 656.802).

1019.2 POLICY

The Beaverton Police Department will address occupational diseases, mental health issues and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (ORS 656.001 et seq.).

1019.3 RESPONSIBILITIES

1019.3.1 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury, illness, as well as any employee who is involved in any accident while on-duty shall report such injury, illness or accident to a supervisor as soon as practical, but no later than 24 hours from the time the employee becomes aware of the injury, illness, or exposure, not including days off. Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to their immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty should be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with departmental policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the department of any change in condition or anticipated duration of the absence.

Modified duty assignments may be available in accordance with city policy and the Collective Bargaining Agreement.

An injured employee or employee who has suffered a work-related injury or illness shall report as soon as practical to their immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees

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are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

1019.3.2 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined in this policy. Updated copies of forms with instructions for completion provided by Risk Management are kept in the Sergeant's office.

For work-related accidents, illness or injuries not requiring professional medical care, a Human Resources "Near Miss" Form shall be completed. All copies of the completed form shall be forwarded to the Human Resources Department with a copy to the appropriate Division Captain via the Chain of Command.

When an accident, illness or injury is reported initially on the "Supervisor's Report of Injury" form and the employee subsequently requires professional medical care, the State of Oregon Report of Job Injury or Illness Form 801 shall then be completed. The injured employee shall also sign the form in the appropriate location.

Every injured employee must be provided with a State of Oregon Report of Job Illness or Injury Form 801, immediately upon request. (OAR 436-060-0010 (1)).

Copies of any reports documenting the accident or injury should be forwarded to the appropriate Division Captain and Human Resources as soon as they are completed.

1019.3.3 DIVISION CAPTAIN RESPONSIBILITY

The Division Captain who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's Risk Officer and the Investigations Division Captain to ensure any required Oregon Occupational Safety and Health Administration (OR-OSHA) reporting is made as required in the injury and illness prevention plan identified in the Illness and Injury Prevention Policy.

Claims shall be reported to the department's insurer no later than five days after notice or knowledge of any claim or accident that may result in a compensable injury (OAR 436-060-0010(3)).

1019.3.4 CHIEF OF POLICE RESPONSIBILITY

The Chief of Police or their authorized designee shall review and forward copies of the report to the Human Resources Department. Any copies of the report and any related documents retained by the Department shall be filed by Professional Standards.

1019.4 REPORTING OF INJURIES

All injuries and exposures to hazardous materials must be reported to a supervisor as soon as possible, but no later than 24 hours from the time the employee becomes aware of the injury, not including days off.

Occupational Disease and Work-Related Injury Reporting

If an injury or exposure does not require treatment by a doctor or medical facility, and does not result in time loss, it shall be recorded on the Human Resources "Near Miss" Form at the earliest opportunity.

Injuries requiring medical treatment or resulting in time off, shall be reported to a supervisor as soon as the employee becomes aware of the injury. Supervisors will ensure a state "Report of Job Injury or Illness" form 801 is completed and signed by the employee as soon as practicable.

Injuries requiring overnight or longer hospitalization must be reported to the Oregon Occupational Safety and Health Administration (OR-OSHA) within 24 hours by calling 1-800-922-2689. Fatalities must be reported within eight hours (Oregon Administrative Rules 437-001-0700(21)).

1019.5 INJURY OR ILLNESS NOT REQUIRING MEDICAL ATTENTION

Those injuries and illnesses not requiring medical attention shall be recorded on a Supervisor's Report of Injury form. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected employee, indicating that they desired no medical attention at the time of the report. By signing this form, the employee will not preclude their ability to seek medical attention later.

1019.6 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, their agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to their supervisor as soon as possible.

1019.6.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Personal Appearance Standards

1020.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the Department, employees of this department shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1020.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1020.2.1 HAIR

Hairstyles of all members will present a neat and professional appearance (with or without a hat). Hairstyles must:

- Provide for personal safety;
- Not interfere with or impair the safety and effectiveness of the individual on the job, and
- Not interfere with the proper wearing of uniform headgear or any specialized equipment assigned for use.

Professional is defined to include natural hair color and hair styles such as braids, dreadlocks, and twists.

Eccentricities in hair styles or color shall not be permitted. Hair color may be altered provided the coloring naturally occurs in human hair and does not detract from the employee's professional appearance.

When working in an undercover capacity, an employee may wear their hair in a manner that is appropriate for the assignment they are working.

The Chief of Police reserves the right to determine whether an employee's hair is not within policy.

1020.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1020.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the earlobe and shall be trimmed and neat. Sideburns must end with a clean horizontal line and not flared out at the bottom.

Personal Appearance Standards

1020.2.4 FACIAL HAIR

Department sworn and non-sworn personnel are permitted to wear mustaches, goatees, and/or beards, with the following conditions:

- Mustaches shall follow the natural arch of the mouth and should not exceed the upper border of the lip or extend more than a quarter-inch horizontally beyond the corners of the mouth.
- Goatees shall not extend more than a quarter-inch below the bottom of the chin.
- Beards must be well-kept and shall not extend beyond a half-inch from the face.
- Soul patches are not allowed.
- Sideburns shall not exceed a quarter-inch below the bottom of the earlobe and shall be trimmed with a clean horizontal line along the base, unless attached to a beard.
- Facial hair may be worn in any color that could naturally occur in human hair.
- Patterns will not be cut into facial hair.

Uniformed personnel with facial hair shall have shaving equipment readily available at work should an emergency situation dictate immediate removal or trimming of facial hair (e.g., the need to don a gas mask during a crowd control event).

The department shall consider accommodations to these grooming standards on a case-by-case basis. Such accommodations may be appropriate only in cases where there is a demonstrated religious or medical need for accommodation. In such instances, personnel shall submit a request for an accommodation through their chain of command to the Chief of Police.

1020.2.5 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall not be worn by uniformed sworn members without the permission of the Chief of Police or authorized designee.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

Personal Appearance Standards

1020.3 TATTOOS AND BODY ART

- (a) Department personnel are permitted to display tattoos or body art but are prohibited from:
 - 1. Getting or having any tattoo or body art, including those not readily visible, indicating membership in a hate, racist, subversive organization, or criminal gang.
 - 2. Visible tattoos or body art on the head, face, neck, and hands. Hands are considered to be the area below the wrist bone. Personnel are allowed to have one tattoo on the ring finger that is not larger than a conservative wedding band. Personnel previously authorized in writing to display tattoos in conflict with this policy shall be considered grandfathered.
 - 3. Tattoos or body art depicting racist, indecent, extremist, lawless, or offensive themes are prohibited. A tattoo or body art is considered "offensive" if it is sexist, sexual, racist, vulgar, anti-social, violent, or discriminates against any person by virtue of words, symbols, or pictures in the tattoo or body art.
 - 4. Tattoos or body art associated with any organization or group that advocates intolerance or discrimination, that bring discredit upon the agency or that violate common standards of decency or morality.
- (b) The Chief of Police or designee will have the final decision on any tattoo displayed by department personnel. The Chief of Police may require concealment of any tattoo or body art found to be in conflict with this policy at the time of its publication or in the future. Any requests for relief from this policy shall be directed in writing via the chain of command to the Chief of Police.
- (c) Personnel considering obtaining a new tattoo or body art they intend to display are encouraged to receive pre-approval if there may be a question about whether or not the anticipated content would be in violation of any provisions of this policy.
- (d) Personnel attending court or other administrative hearings shall not display tattoos and body art otherwise authorized by this policy.

1020.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police or authorized designee. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

Uniform Regulations

1021.1 PURPOSE AND SCOPE

The uniform policy of the Beaverton Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

- Department Owned and Personal Property
- Body Armor
- Grooming Standards

The Beaverton Police Department provides the basic uniforms, accessories and required leather/nylon gear to new employees, and provides replacements or additions as required. The Training Division maintains a detailed list of uniforms, accessories, and equipment for each employee. Each employee is responsible for maintaining their uniform and accessories in a clean, workable condition.

1021.2 WEARING AND CONDITION OF SWORN UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a clean and serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear pressed.
- (b) All officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (e) Civilian attire shall not be worn in combination with any distinguishable part of the uniform except when the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while they are off-duty.
- (f) Uniforms are only to be worn while on-duty, while in transit to or from work, for court, or at other official department functions or events.
- (g) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (h) Mirrored sunglasses will not be worn with any Department uniform.
- (i) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or authorized designee.

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1. Wrist watch
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
3. Medical alert bracelet

1021.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on-duty or when carrying a concealed weapon.

- (a) Whenever on-duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Captain.

1021.3 UNIFORM CLASSES

1021.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all Command Staff and optional for other sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie
 1. Command Staff may wear long sleeve shirts that are white in color.
- (b) Polished shoes
- (c) Ike jacket - Optional for Command Staff
- (d) Department approved dress hat - Optional for Command Staff

1021.3.2 CLASS B UNIFORM

The Class B uniform is the standard issue uniform. All sworn members will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform (except the Ike jacket) with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required.
- (b) All shirt buttons must remain buttoned except for the last button at the neck.
- (c) T-shirt, low turtleneck, or dickey type shirt, if visible, shall be black in color. The sleeves of the t-shirt shall not protrude below the sleeve of the uniform shirt. The only visible

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insignia permitted on turtlenecks is "BPD" in gray or silver thread monogrammed letters. The letters should be approximately one inch in height and offset to the left of center.

- (d) Uniform Trouser Belt. The member's uniform trouser belt shall be black in color, plain or basket weave leather, or nylon, and depending upon rank either a plain chrome or gold finish buckle and belt snaps. It shall be of sufficient width and thickness as to provide reasonable support for the trousers and duty belt.
- (e) Hat. Officers may wear department issued uniform hats.
- (f) Gloves. Officers may wear plain black wrist length gloves.
- (g) Load Bearing Vest (LBV). Officers may wear the department authorized LBV. LBVs are an optional item.
- (h) Uniform Sweater. Officers may wear the department authorized navy-colored sweater. The authorized sweater is an optional item.
- (i) Approved all black shoes or boots.

1021.3.3 SPECIALIZED UNIT UNIFORMS

The Chief of Police or authorized designee may authorize special uniforms to be worn by officers in specialized units such as Canine Team, TNT, Bicycle Patrol, Community Services Officers, Motor Officers and other specialized assignments.

1021.3.4 RESERVE OFFICER UNIFORM

The reserve officer's uniform will be the same as for the regular officer with the exception of the badge and reserve shoulder patch. All uniform policies, regulations, and specifications apply equally to reserve officers.

1021.3.5 SPECIAL RESERVE ENFORCEMENT OFFICER UNIFORM

The Chief of Police or authorized designee may authorize special uniforms to be worn by special reserve officers such as Photo Radar Officers.

1021.3.6 FOUL WEATHER GEAR

Department issued rainwear will be worn in conjunction with authorized uniforms and not in place of the uniform. Department issued rainwear pants will be worn outside the boot and only during times of inclement weather or probable inclement weather.

1021.3.7 HEADGEAR

- (a) Department issued baseball caps may be worn as approved headgear.
- (b) During extreme weather conditions, the department issued hat may be worn. Department members may also wear solid black watch caps during inclement weather.
- (c) Motor members shall be issued a motorcycle helmet that shall be worn at all times while operating a police motorcycle.
- (d) Campaign hats are approved headwear for traffic officers.

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- (e) Command dress hats are approved headwear for Command Staff.

1021.3.8 FOOTGEAR

- (a) Uniformed members may wear either shoes or boots that are clean, black in color, and capable of being shined. Footwear shall have no ornate stitching, extreme heel, and/or pointed or fancy toe styles. Socks shall be black in color if visible. Boots will be no more than 12 inches in height.
- (b) Members in specialized units may wear alternate footwear that is approved by the department.
- (c) Uniformed, non-sworn member's footgear must be of conservative style, black, navy blue, or dark brown in color. Socks will be black, navy blue, or dark brown in color. Open-toed shoes and/or sandals, or flip flops are not authorized.
- (d) Non-uniformed, non-sworn members must wear footwear that is professional business attire and suitable for the workplace.

1021.4 DUTY HOLSTER, GUN BELT, AND LOAD BEARING VEST

- (a) Duty Holster. The duty holster shall be department issue, or approved by the Chief of Police or authorized designee. Duty holsters will be of the approved type and will be a part of the duty gun belt and uniform. It will be of black basket stamped leather or nylon material and will be mounted on the belt so that the butt of the weapon is placed to the rear. Holsters will be worn on the strong hand side with the strap or snap securely fastened to secure the weapon in the holster.
- (b) Duty Gun Belt. Whenever possible, the duty gun belt shall be department issue and of the type approved by the department and will be part of the uniform. The gun belt shall be 2½ inches wide, black basket stamped leather, or black nylon material, and will be worn with the buckle centered in the front of the body. The duty gun belt shall be worn level around the waist with the holster and approved accouterments aligned appropriately for the ease of the individual member. Gun belt "keepers" will be worn as necessary to keep the gun belt from sagging or slipping, unless the items are held in place by Velcro.
- (c) Load Bearing Vest (LBV). The police department approved LBV comes with five "pockets"; an additional pocket may be purchased for a total of six. No more than six "pockets" shall be worn on the LBV. The authorized LBV is an optional item.
 - (a) The approved LBV color is black and the department issued metal badges will be worn on the vest.
 - (b) Uniform shirts will be worn under the LBVs; the exception will be specialty units that have been previously approved for wearing LBVs (the K-9 Unit, TNT etc.).
 - (c) Jackets such as Watershed or raincoats may be worn under or over the LBV.
 - (d) The LBVs will be required to have department approved Velcro nametape on the front and department approved Velcro "Police" on the rear of the carrier. Officers will not be responsible for the purchase of the identifying nametape and Police patch.

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- (d) Duty Gun Belt and/or LBV Accouterments. All issued accouterments attached thereto will be of same material and finish. Other personal accouterments shall be of the same basic color, finish, and material, and must be approved by the Training Division.

Required:

- Department-issued Firearm
 - Ammunition magazine(s) and approved carrier. May be single or double compartment with a single snap or Velcro.
- Handcuffs with key and approved carrier. May be single or double compartment.
- Taser and approved carrier
- OC aerosol spray and approved carrier
- Portable radio and approved carrier
- Any other items appropriate and approved for the assignment

Optional:

- Expandable baton in approved carrier
- Flashlight
- Cell phone or pager and holder(s)
- Knife with sheath and/or Leatherman type utility tool
- Latex glove holder
- Key ring holder

(e) Administrative Members. Administrative and command members may, with approval of the Police Chief, omit the duty gun belt and carry a department approved firearm and black holster, both of appropriate length and good condition. The weapon shall be worn on the strong hand side with the butt to the rear.

1021.5 INSIGNIA AND PATCHES

All uniform insignia will be properly placed on the uniform and securely attached to it in the prescribed manner.

- (a) Shoulder Patches - The authorized shoulder patch supplied by the department shall be machine stitched to the sleeves of all uniform shirts and jackets, one inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) Service stripes, stars, etc. - Service stripes and other indicators for length of service will be worn on long sleeved shirts. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only. One stripe will be worn for every four years of sworn civilian law enforcement experience/time; regardless of the agency.

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If an occasion arises where an individual is three months or less from their next four year increment, and a new shirt is needed, the next stripe may be sewn onto the shirt.

- (c) Nameplates - A regulation nameplate or authorized sewn-on cloth nametape shall be worn at all times while in uniform. The nameplate shall display the employee's last name. If an employee has the same last name as another sworn officer within the department, the first initial of the officer's first name shall be added to the regulation nameplate or cloth nametape.
 - 1. Metal Nameplates. Department members who have been issued metal nameplates will wear it centered, on the flap of the right breast pocket of the uniform shirt. Uniformed, non-sworn members will wear their nameplate if required on their outermost uniform garment.
 - 2. Embroidered Nametapes. Uniformed members shall have their last names embroidered on a nametape and affixed to their uniform shirts. The embroidered name will be approximately $\frac{1}{2}$ inch in height and located approximately $\frac{3}{4}$ inch centered above the right breast pocket of the uniform shirt. The embroidered font will be uppercase standard block.
 - 3. When a jacket is worn, the nameplate or an authorized sewn on cloth nametape may be affixed to the jacket in the same manner as the uniform.
- (d) Assignment Insignias - Assignment insignias, (TNT, FTO, etc.) may be worn as designated by the Chief of Police or authorized designee. The insignias shall be worn above the right breast pocket flap of the uniform shirt or shall be sewn on each sleeve one inch below the shoulder patch.
- (e) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (f) Rank Insignia - Members will only wear those rank insignias appropriate to their rank.
 - 1. Rank insignias will be worn on the front of the collar of uniform shirts. Rank devices will be worn on the epaulets of all jackets and coats that have them, approximately $\frac{3}{4}$ inch up from the arm seam and on the shoulders of the foul weather coat. Rank insignias may be of metal or metallic cloth.
 - (a) When wearing short sleeved shirts, collar rank insignia are centered on the collar, along an imaginary line bisecting the angle of the collar point that runs through the middle of the insignia. If collar stays interfere with this placement, collar rank insignia may be centered between the top and bottom collar edges. The center of the insignia is parallel and one inch from the leading edge of the collar.
 - (b) When wearing long sleeved shirts, collar rank insignia are centered between the top and bottom collar edges. The center of the insignia is parallel and one inch from the leading edge of the collar.

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- (g) Designated Award Ribbons - may be worn above the right breast pocket flap of the uniform shirt when approved by the Chief of Police.
- (h) Approved Ribbons - if worn alone it shall be centered above the name tape of the uniform right breast pocket.
- (i) Members shall not wear pins, stickers, jewelry, or other items that are not directly work related without pre-approval from the Chief of Police.

1021.5.1 MOURNING BAND

Sworn uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this state - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

Non-sworn employees may wear the department-approved mourning pin during authorized mourning periods.

1021.6 MANNER OF DRESS

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) Court Apparel. "Court" shall include any judicial proceedings in municipal, justice, district, or circuit court; grand jury; and any other official criminal, civil, or administrative hearings attended in connection with department employment. Uniformed members are encouraged to testify in court in uniform when their testimony concerns their performance of duty as a uniformed member. When civilian attire is worn, it must be suitable and appropriate for the proceeding, including a collared shirt with tie for male members.
- (b) Casual Uniform Shirt. Department members may be issued polo style shirts and/or casual dress shirts to identify them with the department when the official uniform is not necessary. Shirts are to be worn for department business only; no off-duty use is permitted unless approved by a supervisor.
- (c) Training Attire. Members attending training are representatives of the department. Members shall wear business casual attire when instructing and/or attending training

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unless otherwise specified by the course. Members may wear the department-issued polo style shirt with casual slacks or cargo style pants. Non-collared shirts, shorts and/or denim are not permitted.

- (d) **Civilian Clothing.** Members of the department who are permitted to wear civilian clothing during a tour of duty (i.e., criminal investigation, light duty, etc.) shall wear such civilian clothing as conforms to standards normally worn by office members in private business firms within the city unless otherwise directed. Other types of clothing may be prescribed when necessary to meet a particular law enforcement objective. All articles of civilian clothing worn on duty shall be neat, clean, well pressed, and in good repair, except as warranted by a particular assignment. Members of the department while attired in civilian clothes shall not openly display their firearm in public view outside the police facility except as provided for in the firearms policy.
- (e) **Department Coveralls.** Department issued coveralls, flight suits, or other department issued and approved uniform items may be worn when assignments would require their use in place of the uniform of the day (e.g., call backs, K-9 tracks and duties, forensic services, stake outs, and serving search warrants).

1021.7 NON-SWORN ATTIRE

All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

- (a) **Police Records Uniform.** Records Support Specialists will wear department issued shirts, polos, sweaters and/or vests with the agency's insignia to identify themselves as members of the agency, along with department issued slacks, or similar slacks purchased by the employees, that are black, navy, or khaki in color. Specialists may wear optional department approved chino-style skirts or dresses in black, navy, or khaki in color when worn with a top with the agency's insignia. All apparel styles, as well as the colors, must be approved by the Chief of Police.
- (b) **Other Units' Uniform.** Non-sworn members who are required and/or individuals who elect to wear a uniform will wear the department issued Records uniform.
- (c) **Administrative/Professional Staff Attire.** Employees who work in an office environment are expected to dress in professional business attire that is moderate in style.
 - (a) Staff who have the option of wearing a uniform must choose to either wear the authorized Records uniform or business attire.
 - (b) Male administrative and support personnel who have the option of wearing business attire shall wear shirts with a collar, slacks, or and/or suits that are moderate in style. T-shirts worn alone are not permitted.
 - (c) Female administrative and support personnel who elect to wear business attire shall wear dresses, skirts, slacks, shirts, blouses, sweaters, and/or suits which are moderate in style. Accessories, such as scarfs, may be worn if moderate in style and appropriate for the workplace.

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- (d) Formal Business Attire. Certain circumstances, such as appearing in court or attending an important business meeting with elected officials and/or people outside the organization, may require formal business attire such as ties and dress slacks for men and skirts or dress pants for women.
- (e) Casual Day Apparel. Non-sworn personnel may wear casual business attire, including denim on Fridays described in the "Casual Fridays" section of the City of Beaverton Employee Handbook's Personal Appearance Guidelines. Non-sworn personnel who wear uniforms will wear their normal uniform tops (shirts, sweaters, etc.) when wearing denim.
- (f) Jewelry. Non-sworn members may wear jewelry if moderate in style and appropriate for the workplace. Jewelry that interferes or potentially interferes with work duties is not permitted.
- (g) Footwear. Refer to Footgear Subsection in this Policy.
- (h) Variations from this policy are allowed at the discretion of the Chief of Police or authorized designee, such as when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (i) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Beaverton Police Department.

1021.8 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Beaverton Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify themselves as an employee of the Beaverton Police Department to do any of the following:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication; or any motion picture, film, video, public broadcast, or any website.

1021.9 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

- (a) Any of the items listed as optional shall be purchased totally at the expense of the employee or as in accordance with the applicable CBA.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

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- (c) Replacement of items listed in this order as optional shall be done as follows:
1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property. (Refer to the Department Owned and Personal Property Policy.)

1021.10 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Beaverton Police Department employees may not wear any uniform item, accessory, or attachment unless specifically authorized in the Policy Manual or by the Chief of Police or the authorized designee.

Beaverton Police Department employees may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized in the Policy Manual or by the Chief of Police or the authorized designee.

Nepotism and Conflicting Relationships

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, promotion, use of facilities, access to training opportunities, supervision, performance appraisal, purchasing and contracting, discipline and workplace safety and security.

1023.1.1 DEFINITIONS

Definitions related to this policy include:

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction, or decisions are or could be influenced by the employee's personal or business relationship (ORS 244.020).

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship – Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - Any person who is serving the State of Oregon, any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services (ORS 244.020).

Relative - The spouse of the member, any children of the member or of the member's spouse, and brothers, sisters, half-brothers, half-sisters, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, stepparents, stepchildren or parents of the member or of the member's spouse, or any individual for which the member has a legal support obligation (ORS 244.020).

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

Nepotism and Conflicting Relationships

1023.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative, who resides with the member or with whom they are involved in a personal or business relationship (ORS 244.179).
 - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 - 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or who resides with the member or with whom they are involved in a personal or business relationship (ORS 244.177).
- (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.
- (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with members of the public they know or reasonably should know are under criminal investigation, are convicted felons, parolees, fugitives, registered sex offenders or who engage in serious violations of state or federal laws.

1023.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify their uninvolved, next highest level of supervisor.

Nepotism and Conflicting Relationships

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative, individual who resides with the member or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify their uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1023.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations, through the chain of command.

Employee Involved Domestic Violence

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse involving law enforcement employees. This policy applies to incidents involving any law enforcement employee regardless of their employing agency or jurisdiction.

1024.1.1 POLICY

The Beaverton Police Department has a zero tolerance policy for domestic violence whether committed by a community member or an employee. Where incidents of domestic violence occur, the Department will act quickly to protect the victim, arrest the perpetrator and conduct appropriate criminal and/or administrative investigations.

1024.1.2 DEFINITIONS

Domestic Violence, Abuse and Family Members - are as defined in the Domestic Violence Policy in this manual.

Employee - means any person employed on a full-time or part-time basis by the Beaverton Police Department. It also includes any unpaid volunteer with enforcement authority, such as a reserve officer.

Law Enforcement Agency - means any federal, state, county, or local criminal justice agency employing persons having peace officer powers granted under authority of the Oregon Revised Statutes.

Restraining Order - Any court order restricting or prohibiting a person's contact with another person or persons, and/or restricting where and when a person may be at a location or time. Such an order may also result in restricting possession of firearms and ammunition. This includes, but is not limited to, restraining orders and protective orders.

1024.2 STATUTORY REQUIREMENTS

Pursuant to the Federal Domestic Violence Gun Control Act (18 USC §921(a) and 18 USC § 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition. Additionally, any person convicted of a felony is prohibited from possessing a firearm (ORS 166.270).

Oregon and Federal law may also prohibit firearm possession by any individual who is the subject of a domestic violence restraining order depending on the conditions of the order (this federal restriction does not apply to temporary restraining orders) (18 USC § 922(d)(8)) and ORS 107.718).

1024.2.1 REPORTING

Employees who are arrested for, or convicted of, any crime involving domestic violence, or who become the subject of a criminal investigation, or criminal or civil protective or restraining order related to domestic violence, regardless of jurisdiction, shall report that fact to their supervisor as

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required in the Reporting of Employee Convictions Policy at the earliest opportunity and provide notice of any scheduled court dates, times, appearances and proceedings.

1024.3 INCIDENT RESPONSE

All department personnel shall accept, document in writing, and preserve all calls, reports, telephone and radio tapes, including those made anonymously, involving possible employee domestic violence as “on-the-record” information. The information shall be forwarded to the Patrol Lieutenant and respective employee’s supervisor for appropriate investigative action.

Upon arrival at the scene of a domestic violence incident involving any department employee as the suspect or victim, the handling officer shall immediately notify WCCCA and request a supervisor be sent to the scene. If there is a question about whether an incident falls under this policy a supervisor shall be requested.

1024.3.1 ON-SCENE SUPERVISOR RESPONSE

An on-duty supervisor shall, whenever possible, respond to the scene of all domestic violence incidents that occur within this jurisdiction where a Beaverton Police Department employee, or any other law enforcement agency employee, is identified as a suspect or victim, regardless of the involved individual's agency jurisdiction. All the provisions of the department Domestic Violence policy shall be followed.

- (a) The supervisor will ensure that a thorough investigation is conducted and all appropriate reports are forwarded to the District Attorney's Office.
- (b) Whenever a law enforcement employee domestic violence call does not result in an arrest, the on-scene supervisor shall submit a written report explaining any and all reasons why an arrest was not made.
- (c) The supervisor will notify an on-duty lieutenant or the on-call Patrol Lieutenant.

When feasible, an on-duty supervisor from this department will respond to the location of any domestic violence incident involving an employee of the Beaverton Police Department which occurs in another jurisdiction to assist the responding agency and to take custody of any department weapon(s) or other department equipment removed from the employee's possession if necessary.

If it is not practical to respond to the location in another jurisdiction, the on-duty supervisor will contact a supervisor from the involved agency to offer assistance, gather information, and coordinate the taking into custody of any department weapon(s) or other department equipment removed from the employee's possession if necessary.

- (a) The supervisor will request that a thorough investigation is conducted and all appropriate reports are forwarded to the District Attorney's Office and to the Beaverton Police Department's Chief of Police.

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- (b) Whenever a law enforcement employee domestic violence call does not result in an arrest, the on-duty supervisor shall request the responsible agency write a report explaining any and all reasons why an arrest was not made.
- (c) The supervisor will notify an on-duty lieutenant or the on-call Patrol Lieutenant.

1024.3.2 ARREST OF A LAW ENFORCEMENT OFFICER

- (a) Whenever a sworn employee of the Beaverton Police Department is arrested, the supervisor shall relieve the accused of any department issued duty weapon(s).
- (b) The investigating officer or supervisor shall also request permission to take any other firearms on scene for safekeeping.
- (c) If the arrested employee is in uniform, they should be allowed to change to civilian clothes prior to transport to the jail, if feasible.
- (d) The transporting officer shall ensure that corrections personnel are notified of the person's employee status to ensure the safety of the employee while they are in custody.
- (e) Employees who are arrested shall be placed on administrative leave pending the disposition of criminal and administrative investigations.

1024.3.3 FIREARMS RESTRICTIONS

Any officer who is arrested, becomes a defendant, or is the respondent of a restraining or protective order that restricts or prevents the officer from possessing firearms, will not be allowed to possess firearms on or off-duty as directed by the order. Officers will immediately ensure that all firearms are removed from their residences, department lockers and all other locations where they would have actual or constructive possession of such items.

Officers who are prohibited from possessing firearms may be placed on administrative leave or assigned to a position involving no contact with the public or access to firearms.

1024.4 EMPLOYEE RESPONSIBILITY

- (a) Employees are encouraged to seek confidential assistance from department or city resources (e.g., Employee Assistance Program), or other qualified individuals or entities, to prevent a problem from escalating to the level of criminal conduct against a family or household member.
- (b) Employees with definitive knowledge of abuse and/or violence involving fellow employees must report such information in a timely manner to their supervisor.
- (c) If an employee becomes aware of possible witness or victim intimidation/coercion, they shall prepare a written report and immediately deliver it to the investigator handling the case through the proper chain of command.
- (d) Employees may not engage in threatening, harassing, stalking, surveillance or other such behavior designed to interfere with cases against fellow employees or intimidate witnesses.
- (e) No employee shall solicit or be afforded any privileges or special considerations.

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- (f) Employees who fail to cooperate with the investigation of a law enforcement employee domestic violence case will be subject to investigation and applicable administrative sanction and/or criminal charges.
- (g) An employee who falsely reports that a victim of law enforcement involved domestic violence has committed a crime (such as child abuse or neglect) will be subject to applicable administrative sanction and/or criminal charges.
- (h) An employee who becomes aware of another employee having difficulties which might lead to domestic violence should encourage them to get assistance.

1024.5 DEPARTMENT RESPONSIBILITIES

- (a) Supervisors should be aware of on or off-duty behaviors that may be warning signs of domestic violence which may include, but are not be limited to:
 - 1. Stalking and inappropriate surveillance activities.
 - 2. Unusually high incidences of physical altercations, injuries, or verbal disputes.
 - 3. Alcohol and/or drug abuse.
 - 4. Increase in controlling behaviors.
 - 5. Community Member or fellow employee complaints of aggression.
 - 6. Inappropriate aggression toward animals.
- (b) The Department, either in response to observed warning signs or at the request of an employee and/or their family or household member, shall provide non-punitive avenues of assistance to department members, their partners, and other family members as long as there is no probable cause to believe a crime has been committed.
- (c) Confidential referrals to counseling services in collaboration with existing community services that have specific expertise in domestic violence, including the department chaplain, will be made available to employees.
- (d) Employees who disclose to any member of the department that they have personally engaged in domestic violence are not entitled to confidentiality within the department. The report of such criminal conduct will be treated as an admission of a crime and shall be investigated both criminally and administratively.
- (e) The Department will make annual checks of every member's criminal history records, including but not limited to CCH, to determine if there are any entries for domestic violence arrests, convictions or restraining orders. Any such records found will be forwarded to the Chief of Police.
- (f) Any Department employee convicted of a domestic violence crime or found to have committed an act of domestic violence through an internal investigation may be subject to referrals, change in assignment and/or discipline up to and including termination.

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1024.6 TRAINING

The Department will provide training to employees regarding domestic violence and this policy and will collaborate with local and state agencies dealing with domestic violence in designing curriculum and providing training.

Department Badges

1025.1 PURPOSE AND SCOPE

The Beaverton Police Department badge and uniform patch as well as the likeness of these items and the name of the Beaverton Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1025.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy.

One badge will be issued to every sworn member of the Beaverton Police Department. Cloth badges shall be sewn to the outside of the uniform jackets. Badges shall be worn on the left breast of the shirt and coat. Only authorized badges issued by this department shall be displayed, carried or worn by sworn members of the department on or off-duty.

Sworn members may purchase one additional badge for use at their own expense with written authorization by the Chief of Police or the authorized designee. The "Badge Order Form" may be obtained from the Police Chief's Administrative Assistant.

1025.2.1 FLAT BADGE

Sworn officers, with the approval of the Chief of Police or authorized designee may purchase, at their own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) An officer may sell, exchange, or transfer the flat badge they purchased to another officer within the Beaverton Police Department with the approval of the Chief of Police or authorized designee.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, they shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- (c) An honorably retired officer may keep their flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1025.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee.

- (a) Non-sworn personnel shall not display any department badge or departmental identification card except as a part of their uniform and while on-duty, or otherwise acting in an official and authorized capacity.

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- (b) Non-sworn personnel shall not display any department badge or represent themselves, on- or off-duty, in such a manner which would cause a reasonable person to believe that they are a sworn peace officer.

1025.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement, employees may receive their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1025.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police or authorized designee.

Employees shall not loan their department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1025.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police or authorized designee.

Temporary Modified-Duty Assignments

1026.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1026.2 POLICY

Subject to operational considerations, the Beaverton Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1026.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Oregon Family Leave Act (OFLA) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Beaverton Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1026.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Division Lieutenant or the authorized designee. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Lieutenant will make a recommendation through the chain of command to the Division Captain regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Division Captain or the authorized designee shall confer with the Human Resources Department or the City Attorney as appropriate.

1026.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Captain.

The employee and their supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1026.4.2 ACCOUNTABILITY

The employee's supervisors shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider.
- (c) Supervisors shall keep their Division Captain apprised of the employee's status and ability to perform the modified-duty assignment via the chain of command.
- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Captain via the chain of command and complete and process a change of shift/assignment form (if required). All training and certification necessary for return to duty shall be reviewed and updated as necessary.

Temporary Modified-Duty Assignments

1026.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1026.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Lieutenant.

1026.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Lieutenant that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1026.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Division Lieutenant of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Lieutenant and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

Temporary Modified-Duty Assignments

1026.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1026.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1026.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1026.8 COLLECTIVE BARGAINING AGREEMENT

The Collective Bargaining Agreement between the City of Beaverton and Beaverton Police Association may contain additional information regarding Modified Duty Assignments and should be appropriately consulted.

1026.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

1026.10 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

Employee Speech, Expression and Social Networking

1027.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department (ORS 181A.689).

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private individual, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1027.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the world wide web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

1027.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Beaverton Police Department will carefully balance the individual employee's rights against the department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1027.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Beaverton Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates.

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Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1027.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private individual, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Beaverton Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Beaverton Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Beaverton Police Department or its employees. Examples may include:
 - 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 - 2. Expression that demonstrates support for criminal activity.
 - 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Criminal Justice Code of Ethics as adopted by the Beaverton Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (or any other act that would constitute a misuse of public information in violation of ORS 162.425).

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- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Beaverton Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1027.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private individuals or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Beaverton Police Department or identify themselves in any way that could be reasonably perceived as representing the Beaverton Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in their individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Beaverton Police Department.

A notice of restrictions on political activities by employees will be posted and maintained by the Department in a place that is conspicuous to all employees as required by law (ORS 260.432).

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private individuals, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or

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indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1027.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, Instagram, Twitter) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1027.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of their duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1027.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Peer Support

1028.1 PURPOSE

To facilitate recovery and resilience following a critical incident; to provide stress management techniques; to help minimize the harmful effects of job related stress, re-establish functional capacity of our employees, and to provide peer interactive crisis intervention and relief.

1028.2 POLICY

It is the policy of the Beaverton Police Department to provide assistance to employees when the employee has been involved in or exposed to a critical incident. Support may also be needed through times of personal or professional crises, including but not limited to crises caused by cumulative job related stress, and to help anticipate and address potential difficulties that may affect work performance. This assistance may be in the form of peer support services provided by the Beaverton Police Department's Peer Support Program, or if appropriate, referring employees to counseling services or other assistance deemed beneficial or necessary by the Department.

If appropriate, other agency teams or members may be used for assistance.

Peer support is subject to confidentiality requirements per ORS 181.860 and any information shared peer to peer through this program is lawfully privileged and shall remain confidential, except as required by statute.

1028.3 DEFINITIONS

Peer Support Program - A team of designated sworn and/or non-sworn department employees trained to respond to critical incidents or provide support for personal crisis. This group will utilize additional resources as necessary; other Chaplains, local clergy, and mental health professionals etc.

Critical Incident - Any situation faced by Department personnel that may cause an employee to experience unusually strong emotional or physical reactions which have the potential to interfere with the employees' ability to function properly either at work or off-duty. Critical Incidents may involve; line of duty deaths or injury, suicide of co-workers, mass causality incidents, officer involved shootings or significant events involving children.

Crisis - A set of personal or professional circumstances that adversely impact the emotional health of a Department employee, an employee's family member, or work group. A crisis may be a result of an employee or an employee's family member being involved in a critical incident; substance abuse; or marital, relationship, health, family, financial, employment, cumulative effect, or other personal problems.

1028.4 PEER SUPPORT SERVICES

- (a) On Scene Support. The Team members' function is to observe and advise of any signs of acute stress reactions in the personnel immediately involved. Team members offer

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encouragement, support and education, provide for the basic needs of personnel, and implement stress management strategies as needed.

- (b) **Defusing.** A defusing is a confidential group meeting held immediately after the critical incident. Defusing is conducted by trained peers, a Chaplain, or a mental health professional trained in Critical Incident Stress Management. Attendance is mandatory but participation is voluntary.
- (c) **Debriefing.** Debriefings are mandatory (participation is voluntary), structured group meetings conducted by trained peers, a Chaplain, or a mental health professional. Debriefings are usually held within 48 to 72 hours after the incident and should be restricted to only the people exposed to the incident. A debriefing is primarily educational in that its goal is to provide information regarding critical incident stress and potential stress related symptoms, as well as methods to manage these symptoms. This education may lead to a non-evaluative discussion of reactions and feelings of personnel resulting from the incident. It serves to mitigate the stress impact resulting from exposure to a critical incident. The peer support member's actions and/or critical incident debriefings will not interfere with an administrative or criminal investigation. It is not the purpose of peer support to discuss anything that would jeopardize an investigation, cause an employee to be disciplined, or cause an employee to admit deliberate violations of the policies or procedures of the Beaverton Police Department. Personnel should be aware that even if they choose to say nothing during a debriefing, their attendance may help a fellow employee.
- (d) **One-on-One.** A one-on-one is a confidential meeting between a trained team member and a staff member. Members may self-refer or refer others to these meetings for intervention. Participation is voluntary.

1028.5 PEER SUPPORT ACTIVATIONS

- (a) Any supervisor may request the response of a peer support team member or members. Team members will be activated as dictated by availability, the incident at hand, and the incident leader's evaluation of that incident.
- (b) The following information will be assessed in evaluating the appropriate response:
 - 1. Type of incident.
 - 2. Location of incident.
 - 3. Number/type of personnel involved.
 - 4. Outside agencies involved (e.g. EMS, other LE agencies).
 - 5. Time of the incident and amount of time individuals spent on scene.
- (c) Examples of circumstances warranting peer support activation:
 - 1. Death, severe abuse or severe injury of a baby or child.

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2. Death or severe injury of an officer or co-worker.
 3. Survival of a serious life-threatening incident.
 4. Incident involving a large number of seriously injured people.
 5. Other potentially distressing incidents.
- (d) Personnel may access services by contacting any team member or a Chaplain.
 - (e) Personnel may personally contact any peer team member, the peer support team leader, or a Chaplain for referral to either professional counseling or a peer team member.
 - (f) A family member or associate of any staff member may make a referral, in which case, the member's participation is also voluntary.
 - (g) Individuals receiving peer support may voluntarily choose or reject a peer team member by using any criteria they believe important.

1028.6 GUIDELINES FOR CRITICAL INCIDENT DEBRIEFINGS

- (a) Strive to be held within 48 - 72 hours after an incident.
- (b) What is shared is privileged and shall be confidential.
- (c) Restricted to people exposed to the incident.
- (d) Not a tactical review of the incident. Tactics critiquing should be discouraged.
- (e) Designed to be useful for all involved personnel, including those who do not feel impacted by the incident. More experienced or resilient personnel should be encouraged to attend in order to provide support and encouragement to fellow officers. Debriefings may be held at an off-site location.

1028.7 GUIDELINES FOR PEER SUPPORT IN GENERAL

- (a) Employees and team members are required to distinguish confidential peer support sessions from casual discussion. A peer support counseling session is a conversation between a team member and an employee seeking support. In order to ensure all benefits of confidentiality, employees and team members are strongly encouraged to hold sessions in a confidential place and are required to verbally confirm a confidential peer session is underway. This will distinguish confidential sessions from casual discussion.
- (b) Team members will inform participants, prior to discussion, of limitations and exceptions regarding the information revealed. The acceptance and overall success of the peer support team will be determined, in part, by the observance of confidentiality. All peer team members must maintain strict confidentiality of all information learned

Peer Support

from an individual within the guidelines of ORS 181.860. Staff using peer support should be advised of the confidentiality rules in writing. Exceptions include:

1. Any threat of suicide or homicide made by a participant in a peer support counseling session, or any information conveyed in a peer support counseling session relating to a threat of suicide or homicide;
 2. Any information relating to abuse of children or of the elderly, or other information that is required to be reported by law; or
 3. Any admission of criminal conduct.
- (c) Team members shall refer cases that require professional intervention to a mental health professional or Chaplain. A peer team member, sworn or non-sworn, is a specifically trained colleague, not a counselor or therapist. A peer support program can augment outreach programs, e.g. employee assistance programs and in-house treatment programs, but not replace them. Peer team members may refer staff to other community resources.
- (d) Team members should be aware of potentially conflicting peer support relationships.
1. A peer team member shall not develop peer support relationships with supervisors or subordinates within their work group or relatives.
 2. Peer team members should avoid promoting their personal values, moral standards, and philosophies.
 3. Team members who witness an event that may lead to an investigation shall not serve as peer team members for those involved. They may refer the person to another peer team member.
 4. If a staff member who is the subject of an internal investigation requests peer support, ORS 181.860 must be followed in this circumstance. In those cases where any questions arise concerning confidentiality, the peer support member should immediately contact the team leader who will advise on the appropriate action to be taken.
 5. The role of peer support members in investigative circumstances should be one of support and to assist staff members through stress they may face during the disciplinary process. Any conflicts of roles will be resolved in that context.

1028.8 TEAM COMPOSITION

- (a) Administrative Team Leader (typically rank of Lieutenant)
1. Duties include at least the following:
 - (a) Supervising team members
 - (b) Coordinating training for team members

Peer Support

- (c) Developing and maintaining referral lists for staff for various issues
 - (d) Maintain monthly statistical data of reported contacts by peer support staff for program evaluation purposes.
 - (e) Managing expenses and personnel costs associated with the operations of the team
 - (f) As assigned/required
- 2. Administrative Team leader will be designated in writing and selected by the Chief of Police or authorized designee.
- (b) Operational Team Leader (typically a Chaplain or Senior Chaplain)
 - (a) Duties include at least the following:
 - (a) Identifying appropriate training for team members
 - (b) Maintaining certification of team members
 - (c) Liaison with outside agency organizations
 - (d) As assigned/required
 - (c) Team members may be sworn or non-sworn members of the department.
 - (d) Department Chaplains.
 - (e) Team members will be selected based on previous education and training, resolved traumatic experiences, and desirable personal qualities such as maturity, judgment, and personal and professional credibility.
 - (f) Mental health professional trained in Critical Incident Stress Management.

1028.9 TRAINING

Team members will receive initial and maintenance training to a level that meets the industry standard for peer support training in law enforcement agencies and ORS 181.860.

Employee Activation of Photo Enforcement System

1029.1 PROCEDURE

For Beaverton Police Department employees involved in triggering the activation of a photo enforcement system, the Department will follow these guidelines:

1029.1.1 NOTIFICATION/PHOTO ENFORCEMENT SYSTEM TRIGGERED

- (a) When an employee becomes aware that they have triggered one of the photo enforcement systems, the employee will advise (email/memo) their supervisor, the Traffic Lieutenant, and the PE (Photo Enforcement) Program Coordinator. The employee will include the date, time, location, CAD # and circumstances. This needs to be done as soon as possible and before the end of their shift, if the employee is aware they triggered a photo enforcement system.
- (a) When the photo enforcement officer believes that an employee has triggered the system, the photo enforcement officer will advise (phone/email) the Traffic Lieutenant and the PE Program Coordinator that an employee triggered a photo enforcement system. The Traffic Lieutenant will ensure the involved officer is notified of the photo system being triggered.
- (b) There may be situations where the Traffic Lieutenant becomes aware that an employee triggered a photo enforcement system by other means. The Traffic Lieutenant will notify the employee and supervisor of the photo incident.

1029.1.2 CITATION PROCESSING

The photo enforcement officer flags photo incident for supervisor review and notifies the Traffic Lieutenant and the PE Program Coordinator. Citation processing timelines per ORS are as follows:

- Mobile Speed - 6 business days
- Red Light - 10 business days
- Intersection Speed - 10 business days

1029.1.3 FACT FINDING

- (a) The employee's Supervisor will review all available information to determine if the Supervisor believes that a violation occurred or if the triggering of the photo enforcement system was justifiable due to ORS rules (If the employee's supervisor is not available, the Traffic Lieutenant will review the facts). The supervisor will forward the findings to their supervisor, the Traffic Lieutenant and PE Program Coordinator. These are the possible outcomes:
 - (a) No violation – citation is rejected.
 - (b) Justifiable action – citation is rejected.
 - (c) Valid violation – citation is issued to the City by the Traffic Lieutenant.

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Employee Activation of Photo Enforcement System

- (b) In all instances, the employee will be provided all information and notified of the results of the fact-finding.

1029.1.4 CITATION ISSUED

- (a) In cases where a citation is issued;
 1. The citation will be issued to the City, routed to Traffic Lieutenant via the PE Program Coordinator.
 2. A certificate of Non-Liability is completed by the Traffic Lieutenant identifying the driver (employee) of the vehicle.
 3. The City's photo enforcement systems contractor will reissue the citation to the employee.
 4. A Motion to Dismiss will be completed at any time by the Traffic Lieutenant, for citations that have been issued to an employee when it is later determined that the employee-driver did not commit a violation or that the action of the employee was justified due to work related activities. A Copy of a Motion to Dismiss shall be provided to the employee.

1029.1.5 EMPLOYEE RESPONSE TO CITATION

- (a) The employee will be afforded all remedies available to them, just as any other community member in similar circumstances.
- (b) It is up to the employee as to how they wish to handle the disposition of the citation.

1029.1.6 OUTSIDE AGENCIES

- (a) Outside Agencies that trigger the Photo Enforcement Systems will be processed like any other citation and if appropriate, the citation will be sent to that agency.
- (b) Once that agency receives the notification they should complete the Certificate of Non-Liability identifying the driver.
- (c) That agency, (according to their policy), would conduct an internal fact finding/ investigation. Based on the outcome they should contact the Traffic Lieutenant and/ or PE Program Coordinator to request reject/dismissal of the citation if appropriate.

1029.1.7 DISCIPLINE

Repeated violations of City photo enforcement systems can lead to progressive discipline.

Illness and Injury Prevention

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Beaverton Police Department, in accordance with the requirements of the Oregon Safe Employment Act (OAR 437-001-0001 et seq.).

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related City wide safety efforts.

1030.2 POLICY

The Beaverton Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1030.3 ILLNESS AND INJURY PREVENTION PLAN

The Division Captain is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will (OAR 437-001-0765):
 - 1. Meet monthly.
 - 2. Prepare a written record of safety and health committee meetings.
 - 3. Establish procedures for conducting workplace safety and health inspections.
 - 4. Conduct quarterly workplace inspections.
 - 5. Review the results of periodic scheduled inspections.
 - 6. Review investigations of accidents and exposures.
 - 7. Make suggestions to command staff for the prevention of future incidents.
 - 8. Review investigations of alleged hazardous conditions.
 - 9. Submit recommendations to assist in the evaluation of member safety suggestions.

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Illness and Injury Prevention

10. Assess the effectiveness of efforts made by the Department to meet applicable standards (OAR 437-001-0001 et seq.).
 - (f) Establishing a process to ensure work-related fatalities and hospitalizations are reported as required by Oregon Occupational Safety and Health Administration. Notification is required within eight hours after the death of any member, and within 24 hours of an inpatient hospitalization of one or more members, an amputation, an avulsion that results in bone loss, or a loss of an eye as a result of a work-related incident (OR-OSHA) (29 CFR 1904.39; OAR 437-001-0704).
 - (g) Establishing a process that an OR-OSHA annual summary of work-related injuries and illnesses is completed and posted in a conspicuous location where notices to all members are customarily posted in compliance with the Oregon Safe Employment Act (OAR 437-001-0700(17)).

1030.3.1 SAFETY COMMITTEE

The Beaverton Police Department maintains a safety committee to communicate and evaluate safety and/or health issues that may affect members and to promote safety and health in the work environment. The safety committee should include full-time and volunteer members, as applicable. Members of the Beaverton Police Department shall notify the safety committee of unsafe work practices, equipment or environments as soon as practicable (OAR 437-001-0765).

Each time the safety committee meets, the committee chairperson or the authorized designee shall prepare a written record of the meeting that includes (OAR 437-001-0765):

- (a) The names of all attendees.
- (b) The date of the meeting.
- (c) All safety and health issues discussed at the meeting, including tools, equipment, work environment and work practice hazards.
- (d) The recommendations for corrective action, if made, and a reasonable date by which to comply with the recommendation.
- (e) The individual responsible for follow-up on any recommended corrective actions.
- (f) All reports, evaluations and recommendations made by the committee.

1030.4 DIVISION CAPTAIN RESPONSIBILITIES

The responsibilities of the Division Captain include, but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 1. New member orientation that includes a discussion of safety and health policies and procedures.
 2. Regular member review of the illness and injury prevention plan.

Illness and Injury Prevention

- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:
 - 1. Informing members of the illness and injury prevention guidelines.
 - 2. Recognizing members who perform safe work practices.
 - 3. Ensuring that the member evaluation process includes member safety performance.
 - 4. Ensuring department compliance to meet standards regarding the following:
 - (a) Communicable diseases (29 CFR 1910.1030; OAR 437-002-0360)
 - (b) Personal protective equipment (PPE) (OAR 437-002-0134)
 - (c) Fire Prevention Plan (OAR 437-002-0043)
 - (d) Respiratory protection (29 CFR 1910.134; OAR 437-002-0120)
 - (e) Exit and exit routes (OAR 437-002-0041)
 - (f) Emergency Action Plan (OAR 437-002-0042)
 - (g) Walking-Working surfaces (29 CFR 1910.21 et seq.; OAR 437-002-0020)
- (e) Making available a form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

1030.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Division Captain.
- (e) Notifying the Division Captain when:

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1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational illnesses and injuries occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

1030.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

1030.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Division Captain shall ensure the appropriate documentation is completed for each inspection.

1030.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1030.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

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A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1030.9 TRAINING

The Division Captain should work with the Training Sergeant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1030.9.1 TRAINING TOPICS

The Training Sergeant shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.

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- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1030.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Safety committee notes shall be kept for a minimum of three years (OAR 437-001-0765).

Police Cadets

1031.1 PURPOSE AND SCOPE

The Beaverton Police Department Cadet Program was established to educate and involve young adults in police operations, to interest them in possible law enforcement careers, and to build good leaders within the youth in our community. The Cadet Program has three main themes that guide the program's goals and objectives:

- (a) Furthering the cadet's education and development
- (b) Encouraging the cadet's participation in a rewarding and productive service activity
- (c) Enhancing the cadet's preparation for future roles as individuals, community members, leaders, and future law enforcement professionals

The Cadet Program will further the cadet's education by providing the member with the basic knowledge of law enforcement. Members will receive instructions in all phases of law enforcement including criminal law, traffic law, criminal investigations, crime prevention, traffic control, accident investigation, report writing, and other related fields that are an integral part of law enforcement.

The cadet will have direct contact with police officers through meetings, training, details, ride-alongs, and other functions of the police department.

1031.2 SELECTION REQUIREMENTS

The Beaverton Police Department shall recruit and appoint only those applicants who meet the high ethical, moral, and professional standards set forth by this department. The minimum criteria for selection and appointment of cadets shall include:

- (a) Must be 15 to 20 years of age.
- (b) Be a high school graduate or be attending high school or other higher education program, and maintain a 2.5 GPA or higher. Proof of GPA shall be provided to the cadet coordinator twice a year.
- (c) Possess or have the ability to secure a valid driver's license or permit, and maintain a good driving record prior to ride-along capabilities.
- (d) Have not been convicted of any felony crime.
- (e) Must meet the pre-employment procedures.

1031.2.1 OATH

Applicants selected for appointment shall be sworn in by the Chief of Police or the authorized designee and take an oath to observe and obey all laws of the land and to carry out their duties to the best of their ability.

Police Cadets

1031.3 POLICE CADET DUTIES

- (a) Cadets will be recognized as volunteers, an individual who performs a service for the department without promise, expectation, or receipt of compensation for services rendered.
 - (a) Post-academy police cadets are required to volunteer a minimum of 20 hours per month, including mandatory attendance at monthly meetings and trainings.
 - (b) Pre-academy police cadets are required to volunteer a minimum of 10 hours per month, including mandatory attendance at monthly meetings and trainings.
- (b) Police cadets shall adhere to all policies and procedures of BPD's Policy Manual and the City of Beaverton Employee Handbook. Access to the policy manual will be made available to each cadet upon appointment and they shall become thoroughly familiar with these policies.
- (c) Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn police cadet unless by its nature it is not applicable.
- (d) Police cadets shall not participate in any function outside of their duties with other members of the police department, to exclude fellow cadets, unless authorized by the cadet coordinator, cadet advisor, or other supervisor.
- (e) The cadet coordinator or an authorized designee will assign all duties to police cadets.

1031.4 SUPERVISION/PROGRAM COORDINATOR

Police cadets should be under the immediate supervision of a regular sworn officer at all times unless specifically authorized by the cadet coordinator, cadet advisor, or other supervisor.

Cadet Coordinator – The Chief of Police shall delegate the responsibility for administering the Cadet Program to a cadet coordinator. The cadet coordinator shall have the responsibility of, but not limited to, the following:

- (a) Assign cadet personnel to functions.
- (b) Conduct regularly scheduled cadet meetings.
- (c) Establish and maintain a cadet call-out roster.
- (d) Monitor individual cadet performance.
- (e) Monitor overall Cadet Program.
- (f) Maintain liaison with other cadet/explorer program coordinators.

Cadet Advisors – The Chief of Police shall delegate the responsibility to officers who demonstrate a desire and ability to train cadets. Cadet advisors will be responsible for facilitating meetings and organizing all training.

Meetings – The cadet coordinator/cadet advisors will schedule and conduct all cadet meetings. All cadets are required to attend scheduled meetings. Cadets must satisfactorily explain any absence to the cadet coordinator/cadet advisor.

Police Cadets

Overnight Functions - At a minimum, two adult cadet advisors/coordinator are required for all overnight trips, events, and outings. Adult female leadership is required at all functions where female (co-ed) youth are involved. This does not apply to routine details. The cadet coordinator, cadet advisors, and other members of the department shall not fraternize with police cadets outside of police duties.

1031.5 ORIENTATION AND TRAINING

New cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the cadet training manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

- (a) Each new cadet will be issued a training manual. This manual is an outline of the subject matter and/or skills necessary to properly function as a police cadet with the Beaverton Police Department. A cadet advisor observing their performance must sign off each section of the manual. The cadet will maintain the completed manual with the ability for a Cadet Advisor to reference. The cadet shall become knowledgeable of the subject matter as outlined and proficient with those skills as set forth in the manual.
- (b) Cadets shall successfully complete the cadet academy and be issued a full cadet uniform to be eligible for ride-alongs.
- (c) Cadets who have not yet completed the academy may participate in meetings, trainings, the Law Enforcement Challenge (LEC), and some events in soft uniform with prior cadet coordinator approval.

1031.6 PERFORMANCE EVALUATIONS

All cadets will receive annual evaluations. The cadet coordinator will be responsible for collecting the needed information and review it with the cadet. The evaluation will contain work related areas, as well as documentation of their current high school GPA. Cadets who do not meet the minimum 2.5 GPA requirement will have one grading period, (trimester/quarter) to regain the minimum GPA requirement or the cadet could face termination.

1031.7 RIDE-ALONGS

- (a) Cadets shall successfully complete the cadet academy, be issued a full cadet uniform, and be 16 years of age.
- (b) Cadets under the age of 18 will not work past 0200 hours.
- (c) Cadets shall prearrange with an officer or a supervisor prior to the ride-along.
- (d) Cadets will not communicate with officers via cell phones, at home, or through WCCCA unless authorized by a cadet coordinator/advisor.

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- (e) Cadets will act in a professional manner while on duty, or in uniform, in regards to personal relationships including, but not limited to, boyfriends, girlfriends, or spouses.
- (f) No cadet will ride with an officer when the schedule conflicts with another cadet function unless all function positions are filled.
- (g) Cadets shall not ride with the same patrol officer more than one time in a 30-day period without the written authorization of the cadet coordinator.
- (h) A cadet advisor or supervisor may use discretion to restrict cadet ride-alongs for shift needs, etc.
- (i) Cadets will not represent BPD or wear their cadet uniform when participating in ride-alongs with outside agencies.
- (j) Cadets will be under the control and supervision of the officer at all times while riding as an observer in the officer's patrol vehicle.

Cadets may be required to write and file reports concerning their observations as to an arrest, crimes, etc. Reports will be written whenever directed by an officer or shift supervisor. Cadets will write reports in the proper format prescribed by the department.

Cadet participation will remain at the discretion of the officer with whom they are riding. If an officer feels a situation could present a threat to the cadet's safety, the officer may require the cadet to:

- (a) Remain in the vehicle and monitor the radio.
- (b) Accompany the officer to a safe location.
- (c) Direct the cadet to a safe location.
- (d) Drop the cadet off with another officer.
- (e) Use any other measure to insure the cadet's safety.

Refer to the Ride-Alongs Policy. The Policy applies to cadets from other law enforcement jurisdictions.

1031.8 UNIFORMS AND EQUIPMENT

All police cadets will be issued one set of uniforms and all designated attire and safety equipment. All property issued to the cadet shall be returned to the Department upon termination or resignation.

1031.9 WEAPONS RESTRICTIONS

Cadets are strictly prohibited from carrying firearms and concealed weapons while on duty. Cadets will only use firearms in the presence of firearms instructors at range or during law enforcement competitions.

1031.10 USE OF VEHICLES

Use of vehicles is essential to the performance of law enforcement activities. At the same time, the use of vehicles creates special responsibilities and risk for the City of Beaverton. Cadets are

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prohibited from driving marked police vehicles unless authorized by the cadet coordinator, cadet advisors, patrol supervisor, or police officer. Cadets must be in possession of a valid driver's license with appropriate endorsements.

If a cadet operates a BPD vehicle, they shall do so in a careful and prudent manner at all times, and shall give high regard to the safety and welfare of the public. Cadets operating or riding in a city vehicle shall utilize seat belts in accordance with the Safety Belts Policy.

Payroll Records

1032.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1032.2 POLICY

The Beaverton Police Department maintains timely and accurate payroll records.

1032.3 RESPONSIBILITIES

Members are responsible for the accurate and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for reviewing accuracy, approving, and timely submission of the payroll records for those under their command.

1032.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted as established by the City payroll procedures.

1032.5 RECORDS

The City of Beaverton Finance Department shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Wellness Program

1033.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members (ORS 181A.832).

Additional information on member wellness is provided in the:

- Chaplains Policy
- Line-of-Duty Deaths Policy
- Drug- and Alcohol-Free Workplace Policy
- Peer Support Policy
- Employee Assistance Program

1033.2 POLICY

It is the policy of the Beaverton Police Department to prioritize member wellness to foster positive work performance and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1033.3 WELLNESS COORDINATOR

The Chief of Police may appoint a wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and will ensure components of the mental and physical health wellness programs are appropriately managed, supervised, and operates in accordance with best practices as established by current industry standards.

1033.4 WELLNESS PROGRAM AUDIT

The coordinator or the authorized designee may audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report may include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

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1033.5 TRAINING

The coordinator or the authorized designee should collaborate with the Training Sergeant to provide all members with regular education and training on topics related to member physical and mental health and wellness.

Police Department Memorials

1034.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure the department properly honors those personnel who lost their lives in the line of duty or while actively serving with the Beaverton Police Department through standardized internal and external memorials.

1034.2 POLICY

It is the policy of the department that former members will be appropriately memorialized as a recognition of their honorable service in which their death was not a result of reckless, criminal, or negligent conduct and consistent with the best practices of the policing profession.

1034.3 DEFINITIONS

Line of Duty Death – Death suffered by a public safety officer while on or off duty that is:

- (a) The result of an injury or occupational disease that is compensable under ORS Chapter 656; or
- (b) The direct or proximate result of:
 - 1. An enforcement action, an emergency response, or public safety training for an enforcement action or emergency response the public safety officer is authorized or obligated to perform by law, rule, regulation, or condition of employment or service; or
 - 2. An act committed against the public safety officer because of the public safety officer's position as a public safety officer.

Active Service Death – Death of any one of the following employees or contractors of the Beaverton Police Department:

- (a) Sworn Officer
- (b) Current Chaplain
- (c) Professional Staff
- (d) Reserve Officer

1034.4 DISQUALIFICATIONS

Any department employee's death meeting one of the following conditions may be ineligible to be included in department memorials:

- (a) Deaths attributed to voluntary alcohol or controlled substance abuse or while the victim employee is under the influence of alcohol or a controlled substance.
- (b) Deaths caused by the intentional misconduct of the officer.
- (c) Deaths caused by the officer's intention to bring about their own death.

Police Department Memorials

- (d) Deaths attributed to an officer performing their duty in a grossly negligent manner at the time of death.

1034.5 INTERNAL MEMORIAL

The north facing third floor hallway facing the cafeteria is designated as the location for the internal memorial. The internal memorial is available for sworn members and professional staff of the department and will include line of duty and active service remembrances.

1034.6 EXTERNAL MEMORIAL

The external memorial is available for sworn staff of the department and will only include line of duty remembrances.

1034.7 APPROVAL PROCESS

The department awards committee will convene to consider requests for inclusion of BPD memorials consistent with the requirements of this policy. The Chief of Police has final approval authority and may include or exclude employees on memorials at their discretion.

Attachments

Vehicle Impoundment Ordinance BC 6.05.005 -.150.pdf

BC 6.05.001 to 6.05.150

VEHICLE IMPOUNDMENT

6.05.001 Vehicle Impoundment When Driving Uninsured.

[BC [6.05.001](#), added by Ordinance No. 3888, 4/11/94; repealed by Ordinance No. 3888, 7/1/94]

6.05.005 Short Title.

BC [6.05.005](#) through [6.05.150](#) shall be known and may be cited as the “Vehicle Impoundment Ordinance” and may be referred to herein as “this ordinance”.

6.05.010 Definitions.

As used in this ordinance, the following mean:

Abandoned vehicle A vehicle left in circumstances demonstrating its owner never intends to return.

A. A motor vehicle shall be deemed an abandoned vehicle under this definition if it remains upon any street for a period in excess of 48 hours and the motor vehicle:

1. Reasonably appears incapable of self propulsion; or
 2. Does not display a current registration plate or a current trip permit; or
 3. Is on a street and is not registered to a person at the address of property on the same side of the street that abuts the part of the street upon which the motor vehicle is located;
- or

4. Is on public property other than a street without the consent of the owner, occupant and any other person in lawful possession of the public property.

B. A trailer shall be deemed an abandoned vehicle under this definition if it remains upon any street for a period in excess of 24 hours and the trailer:

1. Does not display a current registration plate or a current trip permit, unless exempt from registration under provision of Oregon law; or
2. Is on a street and no right of control over the trailer exists in a person or relative of a person who owns property or resides at property that is on the same side of the street that abuts the part of the street upon which the trailer is located; or
3. Is on public property other than a street without the consent of the owner, occupant and any other person in lawful possession of the public property.

Discarded vehicle – A vehicle that is inoperable or not currently licensed. For purposes of this definition a vehicle includes, but is not limited to, the major parts of the vehicle, such as the body, the engine, the transmission or the rear end.

Hazardous vehicle – A vehicle left in a location or in a condition that constitutes an immediate and continuous hazard to the health, safety or welfare of person or property. The term includes, but is not limited to, vehicles blocking fire hydrants, vehicles with leaking gas tanks, vehicles with an audible anti-theft alarm system that has sounded in excess of 20 minutes, vehicles located in violation of the Fire Prevention Code in effect within the City of Beaverton, vehicles blocking a public or private right-of-way, and vehicles occupying parking spaces designated for police parking only.

Law enforcement officer – A law enforcement officer of the City or other City employee authorized to enforce this ordinance.

Motor vehicle – A vehicle that is self propelled or designed for self propulsion.

Owner – A person with an individual or joint claim in or ownership of a legal or equitable interest in a vehicle.

Private garage – A private storage yard, garage or other storage place selected by the City.

Public property – Real property that is owned, leased, rented or lawfully used or operated by the state, a county, City or other governmental entity.

Vehicle – Any device in, upon, or by which any person or property is or may be transported or drawn upon a street, including vehicles that are propelled or powered by any means. [BC [6.05.010](#), amended by Ordinance No. 3278, 8/17/82; Ordinance No. 3302, 11/3/82; Ordinance No. 3427, 1/22/85; Ordinance No. 3539, 10/21/86; Ordinance No. 4053(7), 8/3/99; Ordinance No. 4223(2), 8/19/02]

6.05.020 Abandoned Vehicles Prohibited.

A. No abandoned vehicle shall be left upon:

1. A street, as defined in BC [6.02.030](#), or

2. Public property, as defined by BC [6.05.010](#), without the consent of the owner, occupant or any other person in lawful possession of the public property.

B. The owner of a vehicle, as shown by records of the Oregon Department of Transportation or records of a similar agency of another state or governmental jurisdiction, shall be considered responsible for the abandonment of a vehicle in the manner prohibited by this section, and shall be liable for the cost of its removal and disposition.

C. A vehicle abandoned in violation of this section is subject to the provisions for removal of abandoned vehicles under BC [6.05.025](#) or [6.05.030](#), and to being sold as provided under BC [2.05.030](#) or applicable state law, including ORS [819.210](#) or [819.220](#).

D. The City may use its personnel, equipment and facilities for removal and storage of the vehicle or may hire other personnel, equipment and facilities for that purpose. [BC [6.05.020](#), amended by Ordinance No. 3278, 8/17/82; Ordinance No. 3302, 11/3/82; Ordinance No. 3427, 1/22/85; Ordinance No. 4053(8), 8/3/99; Ordinance No. 4223(3), 8/19/02]

6.05.025 Custody, Removal and Sale of Abandoned Vehicles.

A. After providing notice required under BC [6.05.060](#) and, if requested, a hearing under BC [6.05.120](#) to 6.05.150, the City may take an abandoned vehicle into custody and remove the vehicle from the location where it has been left.

B. The authority to remove and take abandoned vehicles into custody provided by this section is in addition to any authority to remove and take vehicles into custody under BC [6.05.030](#).

C. Subject to BC [6.05.037](#), vehicles and the contents of vehicles removed and taken into custody under this section and BC [6.05.030](#) are subject to a lien, as provided under BC [6.05.040](#).

D. Vehicles removed and taken into custody under this section are subject to sale under BC [2.05.030](#), ORS [819.210](#) or [819.220](#), if the vehicle is not reclaimed, as provided under BC [6.05.037](#), or returned to the owner or person entitled to possession under BC [6.05.110](#). [BC [6.05.025](#), added by Ordinance No. 4223(4), 8/19/02]

6.05.030 Towing without Notice.

A. A law enforcement officer may immediately cause a vehicle to be towed without prior notice if:

1. the vehicle is a hazardous vehicle; or
2. the vehicle was in possession of a person taken into custody by a law enforcement officer and no other reasonable disposition of the vehicle was available under the circumstances; or
3. the vehicle has been reported stolen; or
4. the vehicle bears license plates which are not issued to the vehicle according to the records of the Department of Motor Vehicles.
5. The vehicle has been involved in a fire and it is necessary to take the vehicle into custody immediately for further fire investigation.

B. The owner of the vehicle shall be responsible for the cost of towing and storing the vehicle.

6.05.035 Remedies Cumulative.

Any impoundment of a vehicle pursuant to this ordinance is in addition to, and not in lieu of, any other civil, criminal, or administrative penalty, sanction, or remedy otherwise authorized by law. [BC [6.05.035](#), added by Ordinance No. 4053(9), 8/3/99]

6.05.037 Rights and Liabilities of Owners.

The owner, a person entitled to possession or any person with an interest recorded on the title of a vehicle taken into custody under BC [6.05.020](#) or [6.05.030](#):

A. Is liable for all costs and expenses incurred in the removal, preservation and custody of the vehicle and its contents, except that:

1. The owner, a person entitled to the vehicle or any person with an interest recorded on the title is not liable for nor shall be required to pay storage charges for a period in excess of 20 days, unless the person has received a written notice as required under applicable state law, including ORS [819.160](#). In no case shall a person be required to pay storage charges for a storage period in excess of 60 days.

2. A security interest holder is not liable under this subsection, unless the security interest holder reclaims the vehicle.

B. May reclaim the vehicle at any time after it is taken into custody and before the vehicle is sold or disposed of under BC [2.05.030](#), ORS [819.210](#) or [819.220](#), upon presentation to the authority holding the vehicle of satisfactory proof of ownership or right to possession, and upon payment of costs and expenses for which the person is liable under this section.

C. If the vehicle is taken into custody under BC [6.05.020](#) or [6.05.030](#), has a right to request and have a hearing under BC [6.05.120](#) to 6.05.150.

D. If the vehicle is sold or disposed of under BC [2.05.030](#), ORS [819.210](#), [819.215](#) or [819.220](#), has no further right, title or claim to or interest in the vehicle or the contents of the vehicle;

E. If the vehicle is sold or disposed of under ORS [819.210](#), has a right to claim the balance of the proceeds from the sale or disposition, as provided under ORS [819.260](#).

F. Has no right to a hearing, if the vehicle is disposed of under ORS [819.215](#). [BC [6.05.037](#), added by Ordinance No. 4223(5), 8/19/02]

6.05.040 Towing and Storage Liens.

A. A person who, at the request of a law enforcement officer, takes a vehicle into custody under provisions of this ordinance shall have a lien on the vehicle and its contents as provided under state law including, but not limited to ORS [87.152](#) and ORS [819.160](#), for reasonable towing and storage charges and may retain possession of that vehicle consistent with this ordinance until such charges are paid or bond or some form of security is posted. Such lien shall attach and may be foreclosed as provided under state law. A lien described under this section does not attach to the contents of any vehicle taken into custody from public property until 15 days after taking the vehicle into custody. If the appraised value of the vehicle is \$750.00 or less, the vehicle shall be disposed of in the manner provided in the Oregon Vehicle Code.

B. If the vehicle is taken into custody under provisions of this ordinance and held by a law enforcement officer, rather than by a private garage, the vehicle shall be disposed of in the manner provided in the Oregon Vehicle Code. [BC [6.05.040](#), amended by Ordinance No. 4053(10), 8/3/99]

6.05.050 Towing and Storage Fees.

The Council may, by resolution, rule, agreement or contract set uniform towing and storage charges for abandoned vehicles that have been towed which shall be deemed reasonable for the purposes of this ordinance.

6.05.060 Notice Prior to Removal.

A. If the City proposes to take custody of a vehicle that an officer reasonably suspects is abandoned in violation of BC [6.05.020](#), the City shall affix a notice to the vehicle with the information required by subsection B of this section.

1. The notice shall be affixed to the vehicle at least 24 hours before taking the vehicle into custody.

2. The 24 hour period under this section includes holidays, Saturdays and Sundays.

B. Notices affixed to a vehicle shall state all of the following:

1. That the vehicle will be subject to being taken into custody and removed by the City, if the vehicle is not removed before the time set by City.

2. The statute, ordinance or rule violated by the vehicle and under which the vehicle will be removed.

3. The place where the vehicle will be held in custody or the telephone number and address of the City official or department that will provide such information.

4. That the vehicle, if taken into custody and removed by the City, will be subject to towing and storage charges, and that a lien will attach to the vehicle and its contents.

5. That the vehicle will be sold to satisfy the costs of towing and storage, if the charges are not paid.

6. That the owner, possessor or person having an interest in the vehicle is entitled to a hearing, before the vehicle is impounded, to contest the proposed custody and removal, if a hearing is timely requested.

7. That the owner, possessor or person having an interest in the vehicle may also challenge the reasonableness of any towing and storage charges at the hearing.

8. The time within which a hearing must be requested, and the method for requesting a hearing.

C. This section does not apply to vehicles listed in BC [6.05.030](#). [BC [6.05.060](#), amended by Ordinance No. 4053(11), 8/3/99; Ordinance No. 4223(6), 8/19/02]

6.05.070 Hearing to Contest Validity of Removal and Custody.

A person provided notice under BC [6.05.060](#), [6.05.080](#) or [6.05.090](#), or any other person who reasonably appears to have an interest in the vehicle, may request a hearing under this section to contest the validity of the removal and custody under BC [6.05.030](#) or the proposed removal and custody of a vehicle under BC [6.05.020](#), by submitting a request for hearing with the City not more than five days from the mailing date of the notice. The five day period in this section does not include holidays, Saturdays or Sundays. A hearing under this section shall comply with all of the following:

A. If the City proposes to remove a vehicle and receives a request for hearing before the vehicle is taken into custody and removed, the vehicle shall not be removed unless the vehicle constitutes a hazard.

B. A request for hearing shall be in writing and shall state grounds upon which the person requesting the hearing believes that the custody and removal of the vehicle is not justified.

C. Upon receipt of a request for a hearing under this section, the City shall set a time for, and conduct a hearing pursuant to BC [6.05.120](#) to 6.05.150. [BC [6.05.080](#), amended by Ordinance No. 4053(13), 8/3/99; Ordinance No. 4223(7), 8/19/02]

6.05.080 Pretowing Notice When Four or More Citations Have Been Issued with Respect to a Vehicle.

A. A vehicle may be towed or immobilized on order of the municipal court if:

1. it is a vehicle that has been used in the commission of at least four or more violations of City parking ordinances for which citations have been issued and have been outstanding for more than 30 days; and

2. the citation issued stated that the vehicle could be immobilized or towed if bail was not posted or a hearing scheduled; and

3. a delinquent parking citation notice was mailed to the registered or legal owner at least ten days prior to the towing or immobilization stating the following:

a. the license plate number, the citation numbers, the violation dates and the amount of bail due;

b. that the vehicle will be immobilized and towed and taken into custody by the City if the total bail is not paid within ten calendar days;

c. the statutes, ordinances or rules violated by the vehicle for which the citation is issued;

d. that if the vehicle is immobilized or towed, the place where the vehicle will be held in custody or the telephone number and address of the City department where information concerning the vehicle can be obtained;

e. that if the vehicle is immobilized an immobilization fee will be assessed for removal of the immobilization device in addition to any penalties assessed pursuant to the Code;

f. that the person who tows the vehicle pursuant to this ordinance at the request of a law enforcement officer shall have a lien on the vehicle and its contents for reasonable towing and storage charges, may retain possession of the vehicle until the charges are paid, and may have the vehicle sold at a public auction to satisfy the lien;

g. that the owner of the vehicle is entitled to a hearing before the vehicle is immobilized or towed to contest the validity of the citations or proposed immobilization or towing if a hearing is timely requested;

h. that if the vehicle is towed, the owner of the vehicle is entitled to challenge the reasonableness of any towing and storage charges at a hearing;

i. that a hearing on the validity of the citations, proposed immobilization or towing must be requested in person at the court or in writing within ten calendar days of date of the notice and that the request must include the grounds upon which the owner believes the towing is invalid.

B. If the owner of the vehicle requests a hearing before the vehicle is taken into custody, the vehicle shall not be immobilized or towed until a hearing is set and held in accordance with BC [6.05.110](#) through [6.05.130](#).

C. The owner must request the hearing on the validity of the citations, proposed immobilization or towing within ten days of the date of the delinquent parking citation notice. The request must be made in writing or in person and shall state the grounds upon which the person requesting the hearing believes the citations and/or proposed immobilization or towing are invalid.

D. Failure to appear in person or to mail or deliver a written request for a hearing within ten calendar days after date of the delinquent parking citation notice shall act as a waiver of the right to contest the validity of the citations or the tow.

6.05.090 Notice after Removal.

A. If the City takes custody of a vehicle under BC [6.05.030](#), the City shall provide, by certified mail within 48 hours of the removal, written notice with an explanation of procedures available for obtaining a hearing, under BC [6.05.120](#) to 6.05.150, to the owners of the vehicle and any lessors or security interest holders, as shown in the records of the Department of Transportation.

1. The notice shall:

- a. state that the vehicle has been taken into custody;
- b. give the location of the vehicle; and
- c. describe procedures for:
 - (i) the release of the vehicle, and
 - (ii) obtaining a hearing under BC [6.05.120](#) to 6.05.150.

2. The 48 hour period under this subsection does not include holidays, Saturdays or Sundays.

B. After a vehicle is taken into custody and removed, any notice given under this section shall state all of the following:

1. That the vehicle has been taken into custody and removed, the identity of the appropriate authority that took the vehicle into custody and removed the vehicle, and the statute, ordinance or rule under which the vehicle has been taken into custody and removed.

2. The location of the vehicle or the telephone number and address of the appropriate authority that will provide that information.

3. That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice, and the daily storage charges.

4. That the vehicle and its contents are subject to a lien for payment of the towing and storage charges, and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.

5. That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and removing it, and to contest the reasonableness of the charges for towing and storage if a hearing is timely requested.

6. The time within which a hearing must be requested and the method for requesting a hearing.

7. That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession, and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority. [BC [6.05.090](#), amended by Ordinance No. 4053(14), 8/3/99; Ordinance No. 4223(8), 8/19/02]

6.05.100 Exemption from Notice and Hearing for Vehicle Held in Criminal Investigation.

A vehicle that is being held as part of any criminal investigation is not subject to any requirements under BC [6.05.060](#) to 6.05.090 or BC [6.05.120](#) to 6.05.150. [BC [6.05.100](#), amended by Ordinance No. 4223(9), 8/19/02]

6.05.110 Return of Vehicle to Owner.

A. An owner whose vehicle has been towed pursuant to BC [6.05.020](#) or [6.05.030](#) and who has requested a hearing in accordance with this ordinance may recover immediate possession of the vehicle before the hearing by:

1. Presenting proof of ownership or right to possession; and
2. Either paying the towing and storage charges or posting a security deposit in the form of a bond or cash with the City for towing and storage charges that have accumulated as of the date of the request for the hearing.

B. The municipal judge is authorized to establish, by court order, a security deposit schedule. The municipal court is also authorized to require those owners requesting a hearing under BC [6.05.080](#) or BC [6.05.130](#) to certify that the owner will attend the hearing when a hearing date is scheduled.

C. The judge is authorized to increase security deposit amounts which must be posted before a vehicle is released prior to a hearing where the individual requesting the hearing has failed to appear in the past, is a nonresident of the state, or under other appropriate circumstances.

D. An owner whose vehicle was towed or immobilized pursuant to BC [6.05.080](#) or BC [6.02.805](#) through [6.02.855](#) may recover possession of the vehicle pursuant to BC [6.02.840](#). [BC [6.05.110](#), amended by Ordinance No. 4223(10), 8/19/02]

6.05.120 Hearing.

A. When a person requests a hearing pursuant to BC [6.05.037](#), the hearing shall be held before a judge of the Beaverton Municipal Court.

B. The hearing shall be set within three days of receipt of the request, holidays, Saturdays and Sundays not included. The City shall provide notice of the hearing, either in writing, by phone or in person to the person requesting the hearing and the registered and legal owners of the vehicle, if not the same as the person requesting the hearing.

C. Unless otherwise provided by this Code or City ordinance, at the hearing the owner or person entitled to possession may contest:

1. the validity of the action of the law enforcement officer in taking the vehicle into custody;
2. creation and amount of the lien attached to the vehicle.

D. The City shall have the burden of showing the validity of the taking of the vehicle. [BC [6.05.120](#), amended by Ordinance No. 4223(11), 8/19/02]

6.05.130 Hearings on Towing and Storage Charges When Pretowing Notice Was Given.

A. Whenever pretowing notice has been given pursuant to BC [6.05.060](#) through [6.05.070](#) and the owner fails to request a hearing within the stated time period, the owner may nevertheless request a hearing on the creation or amount of the lien.

B. The hearing on the creation or amount of the lien must be requested in person or in writing not more than 25 days after the vehicle was towed and shall state the grounds upon which the person believes the creation of the lien is invalid or the amount unreasonable.

C. The provisions of BC [6.05.120](#) B shall apply.

6.05.140 Decision.

If the municipal judge finds that custody and removal is:

A. Valid, the judge shall order the vehicle to be held in custody until the costs of the hearing and all towing and storage costs are paid by the person claiming the vehicle. If the vehicle has not yet been towed, the judge shall order it towed.

B. Invalid, the judge shall:

1. order the immediate release of the vehicle to the person claiming it;
2. order any immobilization, towing or storage costs already paid be refunded;
3. order the City to satisfy any immobilization, towing and storage charges the tower may require from the City;
4. order that the owner is not liable for immobilization, towing and storage charges occasioned by the taking. New storage costs will not start to accrue until more than 24 hours after the time the vehicle is officially released by the judge's order to the person claiming the vehicle.

C. The order of the judge shall be in writing.

D. The action of the municipal judge is final and no appeal can be taken from it.

6.05.150 Failure to Appear.

A. If the person who requested the hearing does not appear at the hearing, the judge may enter an order supporting the removal and assessment of immobilization, towing and storage costs and apply security posted against the costs.

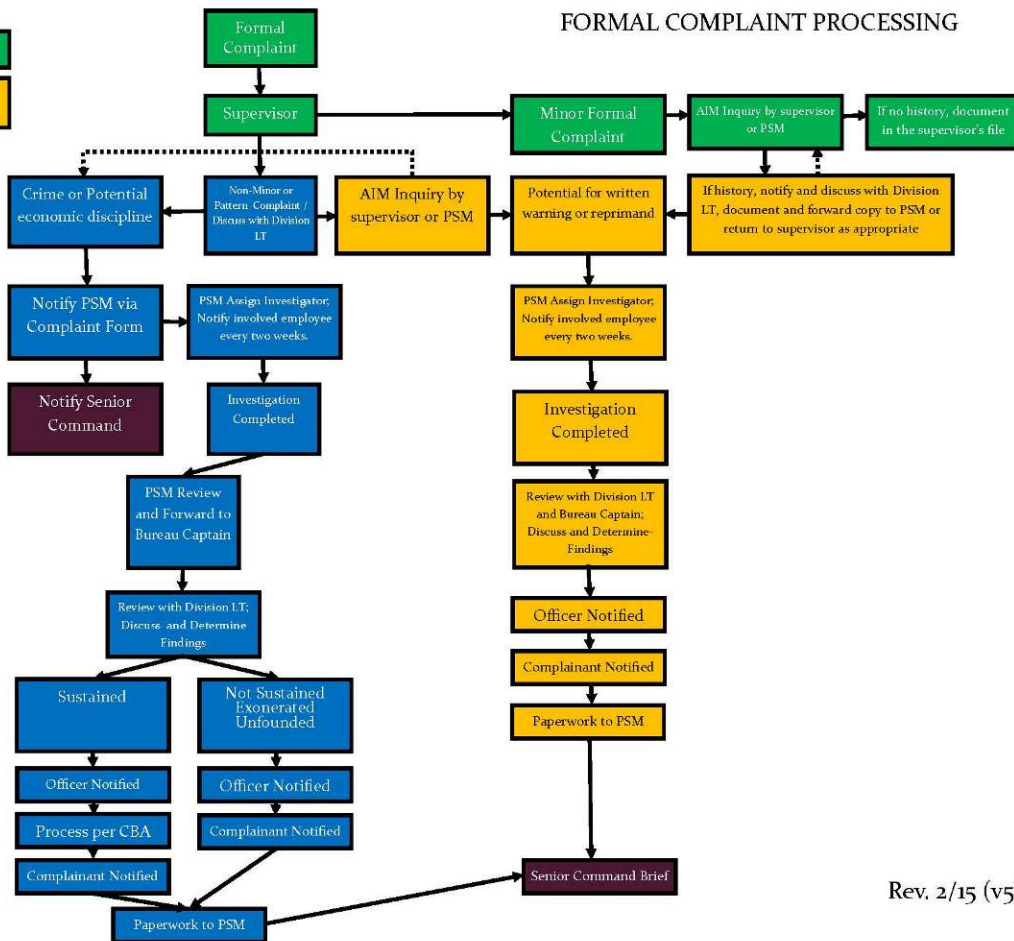
B. A person who fails to appear at a hearing is not entitled to another hearing on the same matter unless the person provides a satisfactory reason to the judge for failure to appear.

Discipline_Flow_Chart_02-15.jpg

KEY



FORMAL COMPLAINT PROCESSING



Policy 305 Officer Use of Deadly Physical Force Timeline.pdf



Officer Use of Deadly Physical Force Timeline

This document is designed to provide suggestions of recommended actions for supervisors and commanders to follow in officer-involved deadly physical force situations. It is further meant to assure compliance with state law regarding response to use of deadly physical force and the Washington County Use of Deadly Physical Force by Police Officers Plan.

The listed information will offer insight for all BPD personnel as to what should be expected to occur regarding the treatment of involved officers.

The document is *not* meant to provide investigative protocol or instruction on how to conduct a deadly force investigation.

As with most police involved incidents, each deadly force situation will be unique. The timeline is meant to be a guideline to assist supervisors and commanders to deal with each event legally and effectively. The sequence and time of occurrence will likely vary from event to event.

Incident Occurs

Day One

First Hour:

- After the scene is secured, the involved officer(s) is to be sequestered as soon as reasonably possible.
- On-scene Q and A of officer(s) is made to obtain suspect information and to assure personal safety of all present.
- EMTs to check involved officer(s).
- Photos taken of the involved officer(s) bearing the gear they responded to the call with still in place.
- Duty and back-up weapons are taken and secured with replacement duty weapons issued after (previously mentioned) photos have been taken.
- Establish Incident Commander – clear line of authority.
- Ensure Major Crimes Sergeant has been notified.
- Command will be notified and elect to be on scene to support involved officer(s).
- Notify PIO – (can assist in determining media staging area).
- After being sequestered, the involved officer(s) will be given access to a BPA representation as soon as practical.
- Involved officer(s) allowed to contact significant other regarding their status.
- COB Attorney's Office contacted to respond to scene.
- Support Vehicle(s) / toilet facilities called to scene.



Officer Use of Deadly Physical Force Timeline

Second Hour:

- Major Crimes Team may request walk-throughs with involved officer(s).
- Peer support and / or Chaplain made available to involved officers.
- Determine staffing needs and make adjustments as necessary.

Hours Three through Four:

- Make food and beverage available to involved officer(s).
- Contact of involved officer(s) by designated lieutenant for review of after-OIS incident protocol, (handout for officers) and transition to Administrative duty. Administrative duty shall last at least 72 hours immediately following the incident for involved officer(s).
- Command liaison assigned to involved officer(s).
- After on scene investigation is complete, the Community Services Team will make notifications to immediate neighbors of the incident, unless MCT dictates otherwise.

Day Two through Six

- Initial interview with Major Crimes Team completed by the end of Day Two.
- Written reports by officer(s) not directly involved with use of lethal force should be complete, (72 hours from time of incident).
- Critical Incident Debriefing for all peripheral officers wishing to attend.
- Daily contact with involved officer(s) for investigative/process update by Command liaison.
- Initial appointment with psychologist to be scheduled, (within 15 days of incident if possible). Officers must attend this appointment, or subsequent appointment prior to sixth month.
- Range / Con Sim training for involved officer(s) prior to return to full duty (individual officer(s) may be delayed based on individual needs).



Officer Use of Deadly Physical Force Timeline

Week Two

- Receive written report from psychologist with return to duty considerations.
- With success in Range / Con Sim training and recommendation from psychologist, officer(s) may be considered cleared for full duty. Return to full duty will be made on a case by case basis, dependent upon status of any pending criminal or civil investigation.
- Involved weapon(s) of primary officer(s) should be cleaned/inspected by BPD armorer when returned from crime lab.
- Involved officer(s) given the option to ride with an FTO or Peer Support officer upon return to full duty.
- Internal investigation to commence. Interviews may be delayed, based on status of criminal investigation.

Week Three through Four

- Active portion of criminal investigation concludes and files are sent to DA for review.
- DA decision regarding criminal charges / Grand Jury

Month Two through Three

- Internal investigation completed. Copies to Firearms Incident Review Board.
- Firearms Incident Review Board reviews incident via internal investigation.

Month Five

- Second psychologist appointment offered prior to sixth month, (mandatory if officer did not attend the first appointment. All others are at officer's choice.)

Month Twelve and Twenty Four

- Additional psychologist check-up offered (for "anniversary" related stress issues).

BPD Death Investigation Worksheet - Policy 328.pdf

BEAVERTON POLICE DEPARTMENT

DEATH INVESTIGATION WORKSHEET

APPARENT NATURAL ☐		ACCIDENTAL ☐		SUSPECTED HOMICIDE ☐	
SUSPICIOUS ☐		SUSPECTED SUICIDE ☐		UNDETERMINED ☐	
OFFICER:			CASE #		
DATE/TIME REPORTED:			SCENE ARRIVAL TIME:		
LOCATION:			REPORTED BY:		

DECEADENT INFORMATION

DECEDENT'S NAME:				SS#:	
ADDRESS:					
CITY:		COUNTY:		CCH: YES ☐ NO ☐	
MALE: ☐ FEMALE: ☐		RACE:		DOB: AGE: MARITAL STATUS:	
HEIGHT:		WEIGHT:		HAIR: EYES: TATTOOS: YES ☐ NO ☐	
SCARS: YES ☐ NO ☐		LOCATION:		DESCRIPTION:	
CLOTHING:					
DESCRIPTION (NEAT, CLEAN, TORN):					
JEWELRY/VALUABLES:					
PRELIM. EXAM OF BODY MADE AT:					
POSITION OF BODY:					
LOCATION FOUND:					
WAS BODY MOVED BY MEDICAL OR OTHERS PRIOR TO PD ARRIVAL? YES ☐ NO ☐					
ORIGINAL POSITION OF BODY WHEN FOUND?					
RIGOR: YES ☐ NO ☐		EXTENT:			
LIVOR: YES ☐ NO ☐		POSITIONAL:			

BLOOD ON BODY: YES ☐ NO ☐ OTHER FLUIDS PRESENT:	
TRAUMA:	
REMAINS IDENTIFIED BY OR HOW:	
DATE/TIME OF DEATH:	PRONOUNCED BY:
LAST SEEN ALIVE ON:	TIME: BY:
RELATIONSHIP:	CONTACT INFO:
BODY FOUND DATE:	TIME: BY:
CPR ATTEMPTED: YES ☐ NO ☐ BY:	

SCENE INFORMATION

WAS LOCATION SECURED AT TIME OF DEATH? YES ☐ NO ☐
DESCRIBE LOCKS/DOORS:
DESCRIBE WINDOWS:
SURFACE BODY ON: TEMPERATURE AT LOCATION:
SCENE DESCRIPTION:
GENERAL CONDITION OF LOCATION:
PHOTOS TAKEN AT SCENE? YES ☐ NO ☐ DISPOSITION OF PHOTOS?
PHOTO'S TAKEN BY: BPD PROPERTY RECEIPT #:
DESCRIBE ANY UNUSUAL ENVIRONMENTAL CIRCUMSTANCES:

MEDICAL INFORMATION

REGULAR PHYSICIAN: LAST SEEN:
ADDITIONAL PHYSICIANS:
ADDRESS: PHONE:
MEDICAL HISTORY/COMPLAINTS:
HISTORY OF ALCOHOL ABUSE: YES ☐ NO ☐ DRUG ABUSE: YES ☐ NO ☐

MEDICATIONS: YES ☐ NO ☐ DISPOSITION :
SURGERY:

MISCELLANEOUS INFORMATION & NEXT OF KIN NOTIFICATION

NEXT OF KIN:		
NAME:	RELATION:	
ADDRESS:	PHONE:	
NAME:	RELATION:	
ADDRESS:	PHONE:	
DEATH NOTIFICATION: YES ☐ NOT NECESSARY ☐		
NOTIFICATION MADE BY WHOM?	MX ☐ OTHER	
NOTIFICATION DATE:	TIME:	LOCATION:
WITNESS/PERSONS PRESENT AT SCENE:		
EMERGENCY PERSONNEL ON-SCENE (ENGINE NUMBER, AMBULANCE NUMBER)		
ADDITIONAL NOTES:		
MX CONTACTED? YES ☐ NO ☐ NAME:		
DID THE MX RESPOND TO THE SCENE? YES ☐ NO ☐		
DID FUNERAL HOME RESPOND TO SCENE? YES ☐ NO ☐		
NAME OF MORTUARY:		
WAS SCENE SECURED BEFORE DEPARTURE? YES ☐ NO ☐		
SCENE RELEASED TO:		
KEYS RELEASED TO:		

**EMS Protocol 50.117 2019-
EMS-Consortium-Protocols.pdf**

METRO REGIONAL EMS CONSORTIUM

**PATIENT TREATMENT
PROTOCOLS**

2019

PURPOSE:

- To establish the process of obtaining informed consent.
- To define which persons may be left at the scene because they are not considered in need of EMS.
- To describe the process of obtaining and documenting patient refusal.

PROCEDURE: (Refer to Refusal Flow sheet)

A. **Identified Patient:** Determine if there is an “Identified Patient”:

Any individual meeting the following criteria is considered a patient:

- Has a complaint suggestive of potential illness or injury.
- Person is evaluated for potential illness or injury.
- Has obvious evidence of illness or injury.
- Has experienced an acute event that could reasonably lead to illness or injury.
- Is in a circumstance or situation that could reasonably lead to illness or injury (including behavior problems).
- Person is less than 18 years of age.

B. **Decision Making Capacity:** Consider conditions that may be complicating the patient’s ability to make **an informed** decision:

- Orientation to person, place, time, or event that differs from baseline.
- Head injury.
- Drug or alcohol intoxication.
- Mental health issues.
- Language barriers (consider translator or ATT language line through dispatch).
- High risk medical conditions.

C. Identified Patient **WITH** decision making capacity who refuses **needed** treatment and/or transport:

1. Explain the risks and possible consequences of refusing care and/or transport.
2. If a high-risk medical condition exists, contact OLMC for physician assistance.
3. Enlist family, friends, or law enforcement to help convince patient.
4. If patient continues to refuse, complete the Patient Refusal Information Form and have them sign it. Give the top copy to the patient with self-care instructions.

D. Identified Patient **WITH IMPAIRED** decision-making capacity:

1. Treat and transport any person who is incapacitated and has a medical need.
2. Patients with impaired decision-making capacity should **NOT** sign a release form.
3. With any medical need, make all reasonable efforts to assure that the patient receives medical care. Attempt to contact family, friends, or law enforcement to help.
4. If deemed necessary, consult with OLMC and consider chemical or physical restraint per Restraining of Patients Protocol.

- E. Consent and refusal guidelines for **minors** (reflecting Oregon Revised Statutes):
1. A child under the age of 10 cannot be left alone even if he or she is not a patient. If no responsible adult is present and the child is not a patient, contact law enforcement.
 2. Minors who are ages 15 or older and less than 18 years can consent to treatment.
 3. If a minor age 15 or older and less than 18 years is refusing treatment/transport contact OLMC.
 4. If a minor age 15 or older and less than 18 years is not transported, attempt to contact parents to inform them of the EMS call.
- F. **High risk medical conditions requiring OLMC Contact:** EMS providers are required to contact OLMC for the following refusal situations:
- Suspected impaired decision-making capacity.
 - Suspected high risk medical condition such as:
 - Age younger than 3 months.
 - Minor (age 17 or younger) without a patient or guardian who is refusing care.
 - Serious chief complaint (including but not limited to: chest pain/dysrhythmia, shortness of breath, BRUE, stroke like symptoms, syncope, first time seizures, poison/overdose, suspected sepsis, suspected cervical spine injury)
 - Significant MOI or suspicion of injury
 - You believe a patient requires evaluation
 - Conflict on scene regarding refusal of care.
 - Suspected abuse situation involving a minor, elderly, or a person with a disability.
 - Any unconscious or altered mental status (individual or parent/guardian for a minor).
 - Sustained abnormal vital signs:
 - Pulse greater than 120 or less than 60
 - Systolic BP greater than 180 or less than 90
 - Respirations greater than 29 or less than 10
 - SpO₂ ≤ 90%

DOCUMENTATION:

All instances of an identified patient, with or without impaired decision-making capacity, must be fully documented on a Patient Care Form. A signed refusal form must be obtained on all patients with decision making capacity who are refusing care and/or transport. The following is considered minimum documentation criteria:

- General appearance and level of consciousness (mental status).
- History, vital signs, and physical exam.
- Presence of any intoxicants.
- Assessment of the person's decision-making capacity.
- Risks explained to patient.
- Communication with family, friends, police, and/or OLMC.

GUIDELINES & DEFINITIONS:

- A. **Decision Making Capacity:** The ability to make an informed decision about the need for medical care based on:
 - Accurate information given the patient regarding potential risks associated with refusing treatment and/or transport.
 - The persons perceived ability to understand and verbalize these risks.
 - The person's ability to make a decision that is consistent with his/her beliefs and life goals.
- B. **Impaired Decision-Making Capacity:** The inability to understand the nature of the illness or injuries, or the risks and consequences of refusing care.
- C. **Emergency Rule:** EMS providers may treat and/or transport under the doctrine of implied consent a person who requires immediate care to save a life or prevent further injury. Minors may be treated and transported without parental consent if a good faith effort has been made to contact the parents or guardians regarding care and transport to a hospital, and the patient, in the opinion of EMS provider, needs transport to a hospital. When in doubt, contact OLMC.

Refusal and Informed Consent – 50.117

ASSESS PATIENT'S MEDICAL NEED

IS THIS AN IDENTIFIED PATIENT? (Any individual meeting the following criteria is considered a patient)

- Has a complaint suggestive of potential illness or injury
 - Person is evaluated for potential illness or injury
 - Has obvious evidence of illness or injury
- Has experienced an acute event that could reasonably lead to illness or injury
- Is in a circumstance or situation that could reasonably lead to illness or injury
 - Person is less than 18 years of age

NO IDENTIFIED PATIENT

ACTION

- No Information Form required

IDENTIFIED PATIENT

ASSESS ABILITY TO MAKE DECISIONS

Consider:

- Orientation to person, place, time, or event that differs from baseline
- Head injury
- Drug or alcohol intoxication
- Mental health issues
- Language barriers
- High risk medical conditions

ABLE TO MAKE DECISIONS

Ambulance transport advised but patient refuses.

-ACTION-

- Explain risks of refusal.
- If serious medical need exists, contact OLMC.
- Enlist family, friends, police, etc. to help convince patient.
- Complete Information Form, obtain patient signature, & give them the top copy.
- Follow *Documentation* protocol.

ABLE TO MAKE DECISIONS

With no apparent need for ambulance transport.

-ACTION-

- **PIC must agree with patient's** course of action.
- Fully document physical findings.
- Fully document advice given to patient.
- Follow *Documentation* protocol.

UNABLE TO MAKE DECISIONS

(Impaired Capacity)

-ACTION-

- Treat & transport if medical emergency exists. Use *Restraining of Patients* protocol if needed.
- Make all reasonable efforts to assure patient gets medical care.
- Consult OLMC.
- **DO NOT** have patient sign an Information Form.

MINIMUM DOCUMENTATION

For ALL Identified Patients

- General appearance & level of consciousness.
- History, vital signs, & physical exam.
- Presence of any intoxicants.
- Assessment of patient's decision-making capacity.
- Any risks that were explained to the patient.
- Communications with family, police, and/or OLMC.

OLMC CONTACT REQUIRED

- Impaired decision-making capacity, AMS, or unconscious.
- Age < 3 months or Minor without guardian refusing care.
- Serious chief complaint (e.g. chest pain, SOB, first time seizures, suspected sepsis, BRUE, stroke like symptoms, syncope, poisoning/overdose, suspected cervical spine injury).
- Suspected abuse – child, elderly or disabled person.
- Scene conflict regarding medical care.
- Sustained abnormal vital signs/significant MOI/suspicion of injury

Policy 421 BWC DME Retention Schedule 3-17.pdf

Policy 316 Amber Alert Message.pdf



City of Beaverton Police Department

AMBER ALERT MESSAGE (2 MIN. MAX)

CASE NUMBER	TIME OF BROADCAST	DATE

The Beaverton Police Department is investigating the abduction of _____
(Victim Name)

_____, a _____ year old, _____
(Male/Female)

The child was abducted from _____
(Description of area, home, business, etc.)

at _____
(Time and Date)

_____ is _____, _____, _____, with
(Name of Victim) (Age) (Height) (Weight)

(Hair color and length)

_____ has _____
(Name of Victim) (Physical descriptors, scars, marks, tattoos)

_____ was last seen wearing _____
(He/She)

The suspect, _____, was described as a _____
(Name of Suspect) (Race)

_____, _____, _____, with _____
(Male or Female) (Height) (Weight) (Hair color and length)

wearing _____

The suspect may be driving _____

(May insert additional details of the abduction if appropriate)

If you know where this individual(s) is at this time call 9-1-1. If you are able to provide any information that may assist with this investigation, please call (503) 846-2665 (WCSO Call Center.) Stay tuned to your local news station for updates and photos.

Reporting Officer	DPSST	Assn.	Shift	Grid	Approved

Policy 314 Child Chemical Exposure Checklist.pdf

Beaverton Police Department Policy 314 Child Abuse
CHILD CHEMICAL EXPOSURE CHECKLIST

The below listed child/ren may have been exposed to chemicals used in the manufacture of illegal drugs:

Children's name(s):

Dates of birth and address:

Date of Protective Custody:

Address of contaminated residence:

Police Agency:

Police Case Officer/Detective
Name & Cell Number:

Illegal lab type:

Decontamination:

If no, why not?

Yes. If yes, type of decontamination:

Level I Drug Endangered Children Chemical Exposure Assessment

Chemicals Present: Check all the chemicals found related to Meth manufacturing

Pseudoephedrine	—	Methanol	—	Denatured Alcohol
Iodine Crystals	—	Tincture of Iodine	—	Hydriodic Acid
Hydrogen Peroxide	—	Red Phosphorus	—	Hypophosphous
Caustic Soda (Lye)	—	Petroleum Distillate	—	Coleman Fuel
Lighter Fluid	—	Butane Fluid	—	Other Solvent(s)
Sulfuric Acid	—	Muriatic Acid	—	Hydrogen Chloride Gas
Acetone				

Where Found?: Check all locations that apply

_____ Main Residence	_____ Secondary Residence	_____ Attached Garage
_____ Detached Garage	_____ Detached Shed	_____ Porch Front/Back
_____ Camper Shell	_____ Vehicle(s)	_____ Trash (exterior)
_____ Buried	_____ Other – Describe _____	

Process Status?: Check all that apply

_____ Operational/Cooking (bubbling, boiling, active mixing, stirring or gassing)

_____ Operational/Non-Cooking (allowing to cool, dry or separate)

_____ Boxed/Stored (no active processing)

D.E.C. Exposure?: Check all that apply

_____ Not exposed to any processes (lab was very secure, not active in areas accessible any children at any time and no cross-contamination issues)

_____ Minimal exposure to processes (lab area not accessible to children, cross-contamination issues present)

_____ Moderate exposure to processes (some chemicals and equipment utilized were found in areas accessible to the children)

_____ Severe exposure to processes (one or more stages of the manufacturing processes found within the areas where the children live, stay or play)

**Policy 1008 City Bloodborne Pathogens
Exposure Control Plan 12-2020.pdf**

BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN

Last revision: 12/10/20

I. Purpose.

The purpose of this Bloodborne Pathogens Exposure Control Plan is to:

- A. Eliminate or minimize employee occupational exposure to blood or other potentially infectious materials (OPIM);
- B. Identify positions occupationally exposed to blood or OPIM due to their regular job duties;
- C. Provide employees exposed to blood and OPIM information and training; and
- D. Comply with the Oregon OSHA Bloodborne Pathogens Standard, Oregon Administrative Rule (OAR) 437-02-1910.1030.

II. Scope.

City of Beaverton has performed an exposure determination for all job classifications which may be expected to incur occupational exposure to blood or OPIM. This exposure determination is made without regard to use of personal protective equipment (PPE) (*i.e.*, employees are considered to be “exposed” even if they wear personal protective equipment). This exposure determination is made regardless of the frequency of exposure.

III. Responsibilities.

The following is a listing of responsibilities related to this Exposure Control Plan:

- A. Department Heads/Supervisors are responsible to:
 - 1. Assure compliance with this Exposure Control Plan;
 - 2. Assure employees are offered Hepatitis B vaccinations if their job duties expose them to blood or other OPIM;
 - 3. Investigate reported exposure incidents and complete required forms; and
 - 4. Assure that post-examination medical attention and counseling are provided.

B. Risk Management is responsible to:

1. Annually review and update this Exposure Control Plan as needed;
2. Act as a resource for training; and
3. Oversee implementation of this Exposure Control Plan.

C. Employees are responsible to:

1. Immediately report any exposure to blood or other OPIM; and
2. Comply with the requirements of the City of Beaverton's Exposure Control Plan.

IV. Risk Assessment

A. The highest "at risk" personnel are those that respond regularly to calls for assistance by the general public, the primary response personnel. The following job classifications fall into that group,

Police Department:

Sworn Officers
Records clerks
Police Services Specialist
Police Reserves
Police Evidence Technicians

B. The second highest "at risk" personnel who could have exposure are support personnel to the primary response personnel. Examples of this group consist of:

Facilities

Facilities Supervisor and
Facilities Maintenance Technician

Public Works Department:

Public Works Technicians
Public Works Lead and Managers
Public Works Equipment Operator

V. Plan Evaluation and Review.

The City of Beaverton's Exposure Control Plan will be reviewed and updated at least annually, November 30th. Recommended changes to this Exposure Control Plan may be submitted at any time by any employee by contacting the Risk Management Division. Any changes to the Plan will be communicated to City of Beaverton personnel.

VI. Compliance Methods.

A. Universal Precautions.

"Universal Precautions" recognizes all body fluids as though they are infected with bloodborne pathogens. This method of infection control requires the employer and employee to assume that all human blood and specific human body fluids are infectious for HIV, HBV, HCV and other bloodborne pathogens. Where differentiation of types of body fluids is difficult or impossible, all body fluids are to be considered potentially infectious.

B. Engineering and Work Practice Controls.

Engineering and work practice controls shall be used by all employees to eliminate or minimize occupational exposures. Where occupational exposure remains after institution of these controls, personal protective equipment shall be used. Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.

1. Readily accessible hand washing facilities shall be provided. Where not feasible, either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes shall be provided. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.
2. Employees shall wash their hands immediately or as soon as feasible after removal of gloves or other personal protective equipment. Employees shall wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact with blood or OPIM.
3. Contaminated needles and other contaminated sharps shall not be bent, recapped or removed unless no alternative is feasible or if such action is required by a specific medical procedure. Such bending, recapping or needle removal must be accomplished through the use of a one-handed technique or by mechanical means such as the use of forceps.

4. Where occupational exposure remains after institution of these controls, personal protective equipment will be supplied and used by the employees who may become exposed. Departments in which employees may be expected to incur exposure to blood or OPIM (as identified in the exposure determination), will maintain adequate supplies of protective clothing, including masks and gloves, and disposal bags. Each department where it has been determined employees may have exposure to blood or OPIM will have a "sharps" container with a biohazard label.
5. Upon request, the bio-hazard/sharps containers will be picked up and disposed of by Police or Public Works Department at the Property and Evidence location.
6. Eating, drinking, application of cosmetics or lip balm, and handling contact lenses are prohibited in work areas with a reasonable likelihood of occupational exposure to bloodborne pathogens.
7. Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets, or on countertops or benchtops where blood or OPIM are or could be present.
8. All procedures involving blood or other OPIM shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances. No objects should be placed in the mouth. The nose, mouth, and eyes should not be touched during or after contact with blood or OPIM until proper hand washing procedures have been followed. Special care and precautions shall be taken at any time an employee may have open cuts or sores or dermatitis that may compromise the barrier protection provided by skin.

The above controls will be examined for changes in technology and maintained on a regular schedule by the responsible supervisors or supervisor's designee. Supervisors or designees shall document annual consideration and implementation of commercially available safer medical devices. Employees will be able to take part in the identification, evaluation and selection of engineering controls (including safer medical devices) and work practice controls.

C. Personal Protective Equipment (PPE).

1. All employees performing tasks entailing reasonably anticipated exposure to blood or OPIM will be required to use appropriate personal protective equipment (PPE) and will be provided PPE without cost to employees. PPE will be chosen based on the anticipated exposure to blood or other

OPIM. The PPE will be considered appropriate only if it does not permit blood or OPIM to pass through or reach the employees' clothing, skin, eyes, mouth or other mucous membranes under normal conditions of use and for the duration of time which the PPE will be used. All PPE shall be removed prior to leaving the work area.

2. The City of Beaverton will provide employees any or all of the following, depending upon the nature and degree of exposure:
 - a. Gloves (including hypoallergenic and non-latex);
 - b. Gowns;
 - c. Face shields or masks;
 - d. Eye protection;
 - e. Mouthpieces;
 - f. Pocket masks or other ventilation devices;
 - g. Shoe coverings.

These items will be available from the employee's supervisor.

3. Any garment penetrated by blood or other OPIM shall be removed immediately or as soon as feasible. All PPE shall be removed prior to leaving the work area and will be cleaned, laundered, or disposed of by City of Beaverton at no cost to the employee. When PPE is removed it shall be placed in an appropriate designated area or container for storage, washing, decontamination, or disposal.
4. Disposable gloves may not be decontaminated for reuse. Utility gloves may be decontaminated for reuse provided that the integrity of the glove is not compromised (*i.e.*, no punctures, cracks or tears). Utility gloves shall be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is otherwise compromised.
5. Risk Management will institute a Sharps Injury Log, as mandated by OSHA, to track all contaminated sharps injuries including needle sticks and assist to identify any problem area or operations. The Sharps Injury Log will include type /brand of device and department/ work area that the injury

occurred. Emphasis will be made to protect the employee and maintain confidentiality. This Log will be kept for five years.

To prevent needle-stick injuries, contaminated needles will not be:

- recapped
- purposely bent or broken
- removed from disposable syringes
- otherwise manipulated with two hands

Resheathing instruments, self-sheathing needles or forceps should be used instead of recapping needles with two hands. All at risk personnel will have available puncture resistant containers (sharps container) to dispose of needles, disposable syringes and other sharp surface instruments.

If a needle is found on City property by an individual who does not have training nor is equipped to pick it up, it should be reported to the Police or Public Works Department. The needle should not be picked up by hand; mechanical means such as tongs or litter pickers should be used. The needle will be placed directly into a secure, labeled sharps container.

VII. Housekeeping.

Departments shall ensure that the work site is maintained in a clean and sanitary condition. An appropriate written schedule for cleaning and method of decontamination based upon the location within the facility, type of surface to be cleaned, type of soil present, and tasks or procedures being performed in the area shall be determined and implemented.

All equipment and working surfaces shall be decontaminated with an appropriate disinfectant when any of the following events occur:

- A. After completion of procedures;
- B. Immediately or as soon as feasible when surfaces are contaminated;
- C. After any spill of blood or OPIM; or
- D. At the end of the work shift if the surface may have become contaminated since the last cleaning.

Products registered by the Environmental Protection Agency (EPA) as a tuberculocidal disinfectant are effective disinfectants in cleanup of contaminated items or surfaces.

A solution of 5.25 percent sodium hypochlorite (household bleach) diluted between 1:10 and 1:100 with water and prepared daily is also acceptable to clean up contaminated items or surfaces.

VIII. Contaminated Laundry.

Contaminated laundry shall be handled as little as possible with a minimum of agitation. Contaminated laundry shall be bagged or containerized at the location where it was used and shall not be sorted or rinsed in the location of use.

Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through or leakage from the bag or container, the laundry shall be placed and transported in bags or containers which prevent soak-through and/or leakage of fluids to the exterior.

All employees who have contact with contaminated laundry shall wear protective gloves and other appropriate personal protective equipment.

IX. Regulated Waste.

A. "Regulated waste" is defined as:

1. Blood in liquid or semi-liquid form, or other OPIM, including saliva in dental procedures;
2. Items that would release blood or OPIM if compressed;
3. Contaminated sharps;
4. Pathological and microbiological waste containing blood or OPIM; and
5. Items that are caked with dried blood or OPIM and have the ability to release these materials while being handled.

B. Special handling procedures:

1. Contaminated sharps must be disposed of in approved containers; and
2. Other regulated waste must be placed in properly labeled and/or red bags constructed to contain all contents and prevent leakage. The bags or containers must be closed prior to removal. If the bag leaks or becomes contaminated on the outside, it must be placed in a second labeled and/or red bag or container.

3. In addition to regulations imposed by Oregon OSHA, handling procedures shall also be in compliance with the following:
 - a. Storage and collection - Oregon State Health Division;
 - b. Transportation - Department of Transportation;
 - c. Disposal - Department of Environmental Quality; and
 - d. Disposal of regulated waste shall be in accordance with state, local, or federal waste disposal standards.

X. Containers, Labels and Signs.

- A. Department supervisors shall ensure that the universal biohazard labels are affixed to containers of regulated waste and other containers used to store or transport items contaminated with blood or other OPIM. The labels shall be fluorescent orange or orange-red.

Red bags or containers may be substituted for labels. However, regulated waste must be handled in accordance with pertinent rules and regulations of the disposing organization. Any material not in a red bag needs a standard biohazard label.

Specimens of blood or other OPIM shall be placed in a container, which prevents leakage during collection, handling, processing, storage, transport, or shipping.

- B. Each department with exposure to sharps will have a sharps container with a biohazard label. These containers shall be
 1. Puncture resistant;
 2. Labeled or color-coded in accordance with this standard;
 3. Leak proof on the sides and bottom;
 4. Stored or processed, if reusable and are contaminated with blood or other OPIM, in a manner that does not require the employee to reach by hand into the containers where these sharps have been placed;
 5. Easily accessible to personnel and located as close as feasible to the immediate area where sharps are used;

6. Maintained upright throughout use; and
 7. Replaced routinely and not be allowed to overfill.
- C. In the case of regulated waste, outside contamination of the regulated waste container and when moving containers of contaminated sharps from the area of use, the containers shall be:
1. Closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.
 2. Placed in a secondary container if leakage is possible. The secondary container shall be:
 - a. Closeable;
 - b. Constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping;
 - c. Labeled or color-coded according to the guidelines above; and
 - d. Closed prior to removal.
 3. Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner which would expose employees to the risk of percutaneous injury.

XI. Hepatitis B Vaccine.

Hepatitis B vaccine and vaccination series shall be made available to all employees with reasonably anticipated exposure to blood or other OPIM. The initial vaccination routine booster doses, and post vaccination testing will be offered at no cost to the employee, at a reasonable time and place, and performed by or under the care or supervision of a licensed health care professional.

- A. These vaccinations shall be provided according to recommendations of the US Public Health Service current at the time these evaluations and procedures take place. An accredited laboratory at no cost to the employee will conduct all laboratory tests.
- B. Hepatitis B vaccinations shall be made available after the employee has received the required training and within 10 working days of initial

assignment to duties with reasonable anticipated exposure to blood or OPIM. The vaccination will not be made available in the event the employee:

1. Has previously received the complete Hepatitis B vaccination series;
 2. Based on antibody testing, is immune; or
 3. Has any special symptoms or circumstance that renders the use of the vaccine inadvisable, usually because of risk?
- C. Participation in a pre-screening program shall not be a prerequisite for receiving the Hepatitis B vaccination but shall be made available at no cost if requested by the employee.
- D. All employees who decline to accept the Hepatitis B vaccine offered by the City of Beaverton shall sign the Voluntary Election Not To Receive Hepatitis B Vaccine Form.

XII. Exposure Incidents.

- A. "Exposure Incident" is defined as a specific eye, mouth, or other mucous membranes, non-intact skin, or parenteral contact with blood or OPIM that results from the performance of an employee's duties.

Exposure incidents include, but are not limited to:

1. Contact with blood or OPIM with non-intact skin;
2. Needle stick injuries or other puncture wounds with contaminated objects;
3. Spraying or splashing of blood or -OPIM in eyes or mucous membranes; and
4. Human bites occurring in the performance of work activities.
5. In the event of a communicable disease outbreak, exposure, or an identified biological threat incident (such as anthrax) that requires intervention, personnel should follow US Center for Disease Control (CDC), Oregon Health Authority (OHA), and local public health agency(s) instruction. When feasible OSHW will provide treatment and follow-up in conjunction with identified public health agencies.

B. Reporting Exposure Incidents.

1. In the event an employee has an exposure incident to blood or any other body fluid, the employee should immediately wash the affected area with an antibacterial soap, if available, and then report the incident to his/her supervisor without delay. The exposed employee should contact the City of Beaverton's Employee Exposure Call Center at: 877-764-3574.
2. The exposed employee will fill out a *Personnel Exposure Record*. The incident must be documented within 24 hours of the suspected exposure. All medical records, including communicable disease exposures, are strictly confidential. The *Personnel Exposure Report* will be forwarded Risk Management, the Infection Control Officer, and Occupational Health Services Provider listed on the bottom of the exposure report.
3. The supervisor must complete the Supervisor's Investigation Report.

C. Post-Exposure Medical Evaluation and Follow-Up.

1. After an exposure incident has occurred, the City of Beaverton Occupational Health Provider may provide a confidential medical evaluation. Follow-up, counseling, triage and referral to services if applicable, shall be made immediately available to the exposed employee, if applicable, including:
 - a. Documentation of the route(s) of exposure and the circumstances under which the exposure incident occurred;
 - b. Identification and documentation of the source individual (unless it can be established that identification is not feasible or prohibited by Oregon law);
 - c. Attempt will be made to obtain consent from the source person to determine HBV/HIV infectivity and to share the results with the exposed employee. If consent is not obtained, the department shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented;

- d. When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated; and
 - e. If consent is obtained the results of the source individual's testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.
 - f. All testing will be done in accordance with applicable State and Federal statutes and guidelines.
2. Collection and testing of blood for HBV, HCV and HIV serological status will comply with the following:
- a. The exposed employee's blood shall be collected within 7-10 days and tested after consent is obtained and screened for baseline exposure status usually HCV, HIV and HBV per CDC guidelines; and
 - b. The employee will be offered the option of having his/her blood tested for the employee's HIV serological status. If the employee does not consent to the HIV serological testing, the blood sample will be preserved for up to 90 days. If within 90 days of the exposure incident the employee elects to have the baseline sample tested, testing will be done as soon as feasible.
 - c. All related medical evaluations and procedures are:
 - 1. Provided at no cost to the employee;
 - 2. Made available to the employee at a reasonable time and place;
 - 3. Performed by or under the supervision of a licensed physician or under the supervision of another licensed healthcare professional; and
 - 4. Provided according to recommendations of the US Public Health Service current at the time these evaluations and procedures take place. All laboratory tests are conducted by an accredited laboratory and at no cost to the employee.

D. Information Provided to the Healthcare Professional.

The City of Beaverton shall ensure that the healthcare professional responsible for the employee's post exposure follow up is provided with the following items which are contained in the Bloodborne Pathogens Exposure Packet:

1. A copy of OSHA Bloodborne Pathogens Standard 29 CFR 1910.1030;
2. A written description of the exposed employee's duties as they relate to the exposure incident (Exposure Determination list);
3. Written documentation of the route of exposure and circumstances under which the exposure occurred. (Exposure Report);
4. Results of the source individual's blood testing, if available; and
5. All medical records relevant to the appropriate treatment of the employee including vaccination status which are the Emergency Room's responsibility to maintain.

E. Information Provided to the Employee.

The department shall obtain and provide the employee with a copy of the evaluating healthcare professional's written opinion within 15 days of the completion of the evaluation.

1. The healthcare professional's written opinion for HBV vaccination shall be limited to whether HBV vaccination is indicated for an employee, and if the employee has received such vaccination.
2. The healthcare professional's written opinion for post-exposure follow-up shall be limited to the following information:
 - a. A statement that the employee has been informed of the results of the evaluation; and
 - b. A statement that the employee has been told about any medical conditions resulting from exposure to blood or OPIM which require further evaluation or treatment.

All other findings or diagnosis shall remain confidential and shall not be included in the written report.

F. Recordkeeping.

1. Medical records shall be maintained in accordance with 29 CFR 1910.1020 by the department and/or the City of Beaverton's Exposure Administrator. These records shall be kept confidential and must be maintained for at least the duration of employment plus 30 years. They must be kept in a separate file from the personnel file. The records shall include the following:
 - a. The name and identification number of the employee;
 - b. A copy of the employee's HBV vaccination status, including the dates of vaccination and any medical records related to the employee's ability to receive the vaccination;
 - c. A copy of the results of examinations, medical testing, post exposure evaluation and follow-up procedures; and
 - d. A copy of the information provided to the healthcare professional, including a description of the employee's duties as they relate to the exposure incident, and documentation of the routes of exposure and circumstances of the exposure, and the healthcare professional's written opinion.
2. The City of Beaverton shall maintain a Sharps Injury Log for the recording percutaneous injury from contaminated sharps. The information in the Sharps Injury Log shall be recorded and maintained to protect the confidentiality of the injured employee. The Sharps Injury Log shall contain, at a minimum:
 - a. The type and brand of device involved in the incident;
 - b. The department or work area where the exposure occurred; and
 - c. An explanation of how the incident occurred.
 - d. The Sharps Injury Log will be maintained for five years.
3. OSHA 300 Log
 1. All contaminated sharps injuries must be recorded on the OSHA 300 Log. All other exposure incidents need only be recorded on the OSHA 300 Log when medical treatment is initiated as part of the post exposure evaluation. These incidents are recorded as injuries until or unless the employee is diagnosed with an illness, such as Hepatitis

B/C or HIV. If this occurs the Log must be changed to reflect changes and new diagnosis.

2. All these type incidents should be recorded as “privacy-concern” cases. The individual’s name is not to be used, and a case number is assigned. Risk Management will keep the separate confidential list of privacy- concern case numbers and corresponding individual.

XI. Employee Training.

- A. Employees subject to this program will receive training at the time of the initial assignment to tasks where occupational exposure may occur. Employees are required to attend refresher training at least annually. Additional training will be given to employees when there are any changes of tasks or procedures affecting the employee’s occupational exposure.

Training shall cover the following information:

1. Explanation of the content of the bloodborne pathogens rule and how to get a copy of the rules;
2. Information on the epidemiology and symptoms of bloodborne diseases
3. Explanation of how bloodborne pathogens are transmitted;
4. Explanation of the City of Beaverton’s Exposure Control Plan and how an employee can get a copy of it;
5. Explanation of how to recognize tasks and other activities that might result in an exposure;
6. Explanation of the use and limitations of engineering controls, work practices, and personal protective equipment;
7. Information on the types, proper uses, location, removal, handling, decontamination and disposal of personal protective equipment;
8. Information on the Hepatitis B vaccination, including information on its safety, methods of administration, the benefits of being vaccinated, and that the vaccination will be offered free of charge;

9. Information on the appropriate actions to take and persons to contact in an emergency involving blood or OPIM;
 10. Explanation of the procedures to follow if an exposure incident occurs, including the method of reporting the incident, post-exposure follow-up, and the medical follow-up that will be made available; and
 11. An explanation of BioHazard labeling.
- B. The person conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the worksites of the City of Beaverton's employees. Supervisors are responsible for ensuring employees have received training which is specific to their job duties.
 - C. Employees shall have the opportunity for interactive questions and answers with the person conducting the training session.
 - D. Training records shall be maintained in the department for three years from the date of training. The following information shall be documented:
 1. Dates of the training sessions;
 2. An outline describing the material presented;
 3. Names and qualifications of persons conducting the training; and
 4. Names and job titles of all persons attending the training session.

Occupational Safety, Health & Wellness, LLC

Phone: 503-707-2717 Confidential Fax: 503-662-3032

Occupational Safety, Health & Wellness, LLC Page 1 of 4 Rev: 04/02/2019

16200 SW Pacific Highway, Suite H255

Tigard, Oregon 97224

INFORMATION SHEET FOR BLOOD OR BODY FLUID EXPOSURES

If an employee has had exposure to someone's blood or body fluids, this document will serve as a guide in the process. The majority of exposures will not require immediate attention beyond first aid unless additional medical treatment (i.e., laceration) is required. In a case where the source is known or highly suspected that they have HIV and the exposure involved blood, the employee may need to seek medical treatment to discuss options which should be coordinated through the exposure call service.

In the case of a minimal or questionable exposure, you may have the individual contact the Exposure Service and leave a voice message which will be returned by next business day. Please refer to the guidelines below to determine whether further action is warranted.

COMMON EXPOSURES:

- MRSA – minimal exposure risk; use disinfectant.
- Norovirus -- depending upon amount of contact; disinfect with bleach based products.

RISK FACTORS:

- Any fluid to intact skin is not considered an at risk exposure.
- Urine, feces, and vomit are not considered at risk for bloodborne pathogens (HIV, Hepatitis C).
- Although the risk is low, blood and body fluids (example: saliva) that contains visible blood may put a person at risk to contract HIV or Hepatitis C.

EVALUATING AND REPORTING AN EXPOSURE:

1. If exposed to blood or Other Potentially Infectious Material (OPIM), personnel should refer to the Communicable Disease Guidelines in the OSHW manual.
2. For a Level I or Level II exposure, follow the Action Required instructions in the [Communicable Disease Guidelines](#). If the source of the exposure is suspected of having an airborne communicable disease such as Tuberculosis (TB), Meningitis, or COVID 19/SARS document the incident using a Personnel Exposure Report and follow the steps listed in [TB](#), [Meningitis](#), COVID 19/SARS and [Level I](#).

3. For a Level III exposure, follow the instructions listed on Treatment of [Level III exposures](#).
4. Contact the OSHW exposure line at 1-877-436-7669 regarding needed treatment/follow-up. The call will be answered by the Call Service and the individual will be prompted to press 1 to be connected to the operator.
5. For transmission risks and additional information on [HIV](#) and [Hepatitis C](#) contact OSHW on-call or refer to the Resources provided below for additional information.
6. Routine post-exposure treatment and follow-up medical care will be arranged by OSHW.
7. If this is a business or information call, contact our OSHW office at 503-707-2717.
8. In the event of a communicable disease outbreak or WMD incident (such as anthrax) that requires intervention, personnel should refer to their local health department or the CDC Outbreak link and WMD sections.

INITIAL POST-EXPOSURE EVALUATION

The on-call provider will evaluate the exposure based on the following criteria utilizing the Exposure Intake form:

- Type and circumstances of the exposure (splash, needle stick, etc.)
- Date and the time of exposure and contact information
- PEP worn
- Source patient information if available
- First aid rendered (wash exposed area)
- Prior history of Hepatitis A immunization, Hepatitis B immunization/TB testing, Titer Status

EXPOSURE TREATMENT PROTOCOL

Exposure treatment will operate under OSHW's Communicable Disease: Bloodborne/Airborne Pathogens Protocols and Standing Orders. These guidelines will be in accordance with standards of practice established by the CDC, OSHA and state and federal guidelines.

LEVEL I

EXPOSURE TO TUBERCULOSIS (TB)

- No immediate treatment is required.
- OSHW can provide an information sheet which includes counseling regarding disease transmission, likelihood of transmission.

- If follow-up is required on the source patient, name, DOB and contact information of the source will be required.
- If individual has a current TB test within the last 6-12 months, no further initial treatment would be required. Follow-up testing in 16+ weeks is recommended.
- If the individual does not have a current test, OSHW will set-up TB testing within 7-10 days.
- Counsel the employee that they are not contagious to others and pose no health risk.

MENINGITIS

- In cases of confirmed bacterial meningitis exposure, OSHW will contact the individual(s) and institute appropriate treatment based on CDC guidelines and physician supervisor recommendations.
- OSHW will offer treatment when appropriate, following standing orders for meningitis prophylaxis.

COVID 19/SARS

- Follow guidelines set by the CDC, OHA, and agency policies

OTHER AIRBORNE DISEASE

- In “presence only” situations Airborne/communicable disease exposures.
- Potential risks and/or treatment will be determined on an individual basis by the on-call provider.
- Additional treatments or referrals may be authorized by the physician supervisor.

LEVEL II EXPOSURES:

- Individuals should be advised to follow proper disinfection and decontamination. See protocols.
- Advise individual to complete the Personnel Exposure Report.
- Advise individual to contact OSHW if additional symptoms occur or increase.
- Cleaning and decontamination procedures can be found in the OSHW manual.

LEVEL III EXPOSURES:

- Assess the need for immediate treatment and follow-up. Examples would be if an individual needed medical attention for lacerations, bites, etc. If additional medical treatment is sought, contact OSHW.
- If an individual has direct contact with blood or OPIM is visibly contaminated with blood, they will be directed to contact the Exposure Call Service.

- Advise individual to complete the Personnel Exposure Report and fax a copy to OSHW's confidential fax at 503-662-3032.
- Determine if source testing is advised. Contact OSHW for assistance.
- OSHW may assess the individual's vaccination status and determine if additional vaccinations are needed.
- OSHW will set up laboratory testing in accordance with Exposure Testing Protocol.

SOURCE TESTING:

- If the source of the exposure is known, the information required would be name, DOB and location (i.e, jail, hospital, etc.) The source may be asked if they are willing to consent to testing. They may need to be transported to a facility where testing can occur. This will be coordinated with OSHW.
- Mandatory testing may be enforced in very specific situations where the care of the exposed individual would be affected based on the results.
- The exposed individual may want to refrain from being admitted to a health care facility until the results of the source are completed.
- In the case of an unknown source or; as an example, a needle and multiple suspects, depending on the type and details of the exposure would dictate treatment and follow-up.
- HIV is a very fragile virus that does not survive outside the body. There are 58 CDC confirmed cases of occupationally acquired HIV transmission through exposure in the country.

RECORD KEEPING:

All records will be kept confidential by OSHW in accordance with HIPAA and OSHA guidelines.

COMMUNICABLE DISEASE GUIDELINES		
EXPOSURE LEVEL	EXPOSURE DESCRIPTION	ACTION REQUIRED
LEVEL 1	Contact limited to being in the presence of a person suspected of having a communicable disease.	No special action required unless the person has or is suspected to have an airborne disease such as TB, meningitis, or COVID 19/SARS. Follow Exposure Reporting Protocol for Level I.
LEVEL 2	Contamination of intact skin, clothing or equipment with blood and/or body fluids.	Follow decontamination procedures, such as hand washing and laundry requirements. Documentation may be required.
LEVEL 3	Open skin, cuts or breaks, mucous membranes, such as eyes, nose or mouth, to blood or body fluids. This does not apply to urine, feces, vomit or sputum unless they are visibly contaminated with blood.	Follow action outlined in Exposure Reporting Protocol and Treatment of Level III Exposures.

**Policy 502 - Vehicle Impoundment
Ordinance 10-17 - BC 6.05.005 -.150.pdf**

**Policy 502 - Uniform Traffic Ordinance
10-17 - BC 6.02.010-6.02.900.pdf**

Policy 1008 City Bloodborne Pathogens Exposure Control Plan 10-20-18.pdf

Policy 300 Use of Force Review Flow Chart.pdf

Policy 421 BWC DME Retention Schedule 3-28-17.pdf

**Policy 502 - Vehicle Inventory
Ordinance 10-17- BC 6.05.200 -.240.pdf**

VEHICLE INVENTORY ORDINANCE

Beaverton Code 6.05.200 to 6.05.240

6.05.200 Short Title.

BC 6.05.200 to 6.05.235 shall be known and may be cited as the Vehicle Inventory Ordinance and may also be referred to as “this ordinance.” [BC 605.200 added by Ordinance No. 3951, 2/26/96]

6.05.205 Definitions.

For the purpose of this ordinance, the following mean:

Officer – A police officer employed by the City of Beaverton or acting on behalf of the City of Beaverton.

Personal property – Every kind of property except land, tenements and fixtures.

Valuable personal property – Any cash, check, money order or other financial instrument, in any amount; any earring, necklace, non-prescription glasses, ring, watch, bracelet or other similar item of jewelry, regardless of the item’s apparent value; and any other item of personal property that the person examining the item reasonably believes has a fair market value of \$500 or more.

Dangerous personal property – Any item of personal property that under the circumstances in which it is possessed is readily capable of causing physical injury.

Impounded vehicle – A vehicle seized from its owner or operator by or at the direction of the City or one of its employees, for a substantial period of time, under circumstances in which the City either must consent to its release or otherwise bears some responsibility for its protection, preservation or disposition.

For purposes of this ordinance, a vehicle shall not be considered an impounded vehicle if:

A. The vehicle is an abandoned vehicle as defined in BC 6.05.010; or

B. The City or one of its employees or agents facilitates the towing of a vehicle under the following circumstances:

1. The vehicle is towed by a person independent of the City to a place not under the authority or control of the City.
2. The vehicle may be returned to its operator or an owner of the vehicle without City authorization; and
3. The vehicle is towed either:
 - a. with the consent of its operator or an owner of the vehicle; or
 - b. at the direction of a person who:
 - (i) is not an owner or an operator of the vehicle; and
 - (ii) is not an employee or agent of the City; and
 - (iii) is an owner, tenant, occupant or person otherwise in lawful control of the property upon which the vehicle is located immediately prior to towing.

Closed container – A container the contents of which are not exposed to view.

Vehicle – Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes a vehicle that is propelled or powered by any means.

Owner – When referring to the owner of a vehicle, the person or persons in whose name or names title to a vehicle is issued, and who is or are entitled to possession and use of the vehicle. For purposes of this ordinance, a security interest holder or lessor of a vehicle is an owner of the vehicle. [BC 6.05.205 added by Ordinance No. 3951, 2/26/96; amended by Ordinance No. 4223(12), 8/19/02]

VEHICLE INVENTORY ORDINANCE

Beaverton Code 6.05.200 to 6.05.240

6.05.210 Purpose.

The inspection and inventory of the contents of impounded vehicles pursuant to this ordinance is intended to:

- A. Protect an owner's property while in custody of the City;
- B. Protect the City, its employees and agents against claims or disputes over lost, stolen or damaged property; and
- C. Protect City employees from potential danger. [BC 6.05.210 added by Ordinance No. 3951, 2/26/96]

6.05.215 Duty to Inspect Impounded Vehicles.

An officer shall inspect the exterior and interior of every lawfully impounded vehicle as provided in this ordinance. [BC 6.05.215 added by Ordinance No. 3951, 2/26/96]

6.05.220 Timing of Inspection.

The inspection of a lawfully impounded vehicle shall occur prior to the vehicle's removal from the place where it is seized, unless exigent circumstances reasonably require that the inspection be delayed. In such exigent circumstances, the inspection shall occur as soon as practicable after the exigency has passed. [BC 6.05.220 added by Ordinance No. 3951, 2/26/96]

6.05.225 Manner of Inspection.

The inspection of a lawfully impounded vehicle shall occur in the following manner:

- A. An officer shall examine the exterior of the vehicle to determine if there is any readily apparent body damage.
- B. An officer shall examine interior areas where personal property or dangerous items may reasonably be located. Interior areas shall include, but are not limited to:
 - 1. The passenger compartment, including the center console, dashboard, glove box, door pockets, seat pockets, ash tray, sun visor and the areas behind and under the seats and floor mats;
 - 2. An unlocked trunk;
 - 3. An uncovered hatchback;
 - 4. The open bed of a pickup truck; and
 - 5. The area within any attached canopy, camper or car-top container openly accessible from either inside or outside of the vehicle.
- C. An officer shall open and examine the following locked areas: glove box, trunk, center console, hatchback, canopy, camper, car-top container or similar area within or attached to a vehicle, if:
 - 1. There is an openly accessible unlocking mechanism provided within the vehicle;
 - 2. A key to the locked area will remain with the vehicle; or
 - 3. A key to the locked area will be taken or withheld from the possession of an owner or occupant of the vehicle.
- D. If the conditions set forth in subsection C of this section are not present, then the area shall remain locked and unopened.
- E. The contents of a closed container found within a vehicle shall not be opened unless:
 - 1. The officer reasonably believes that the closed container contains valuable or dangerous personal property;
 - 2. An occupant of the vehicle wants to retain physical custody and control of the closed container; or
 - 3. Opening the closed container is otherwise lawful.
- F. Any objects found within an examined area or closed container that is opened for inspection pursuant to subsections B, C or E of this section, shall be scrutinized only to the extent necessary to complete an accurate inventory. [BC 6.05.225 added by Ordinance No. 3951, 2/26/96]

VEHICLE INVENTORY ORDINANCE

Beaverton Code 6.05.200 to 6.05.240

6.05.230 Identification and Safekeeping of Property.

As soon after the completion of an inspection of a lawfully impounded vehicle as is reasonably possible, an officer shall:

- A. Make a written list of any body damage to the vehicle's exterior that reasonably appears to the officer to be damaged in excess of \$500.
- B. Make a written list of all valuable and/or dangerous personal property found within the vehicle.
- C. Remove from the vehicle the valuable and/or dangerous property listed in conjunction with the inspection.
- D. Give to any occupant of the vehicle such property removed from the vehicle that the officer reasonably determines the occupant may rightfully possess, unless circumstances otherwise lawfully permit withholding the property from the person.
- E. Take reasonable steps to safeguard the remaining property removed from the vehicle, and that is not returned to an occupant.
- F. Note the disposition of all the valuable or dangerous personal property discovered during the inspection by recording who has physical custody of each item of valuable or dangerous personal property taken out of the vehicle.
- G. Secure the vehicle in a reasonably appropriate manner to reduce the opportunity for unauthorized entry. [BC 6.05.230 added by Ordinance No. 3951, 2/26/96]

6.05.235 Distribution of Property Receipts.

The City shall maintain the original record of property and its disposition. A copy of such record shall be distributed as follows:

- A. To the person in control of the vehicle. If that person is unknown or otherwise unavailable, the copy shall be left with the vehicle in a conspicuous place.
- B. To any person taken into custody to whom the officer must tender a copy pursuant to ORS 133.455. [BC 6.05.235 added by Ordinance No. 3951, 2/26/96]

6.05.240 Adoption of Administrative Policies or Procedures.

The Beaverton Police department may adopt any necessary administrative procedures, rules or regulations to carry out this ordinance. [BC 6.05.240 added by Ordinance No. 3951, 2/26/96]

**Policy 602 Eyewitness Identification
Showup Form 11-14.pdf**

EYEWITNESS IDENTIFICATION FORM SHOWUP



Case Number: _____
Presenter Name: _____
Date and Time of Presentation: _____
Witness Name: _____

Give the following admonishment prior to doing a showup (**READ BY OFFICER TO WITNESS**):

- In a moment a person is going to be shown to you. Just because the person is being shown to you or because police officers are standing nearby does not mean the person committed the crime or any other crime.
- You should not interpret the presence of officers, or police cars, or any other part of this process as indicating that this person is involved in the incident in question.
- You need to make your decision independently of these factors. Do not feel you must make a selection.
- If you tell me you recognize this person as one who committed the crime or was involved in the incident in question, then I will ask you to explain why you believe this is the same person. I will also ask you to describe for me in your own words how confident you are that this is the same person, and your exact reasons that you believe this is the same person.
- If you do not make an identification, be assured that the investigation will continue.
- Do you understand these instructions? _____ (answer given by witness)

WITNESS STATEMENT (WRITTEN BY OFFICER)

I, _____, affirm that

- I read or was read the instructions above;
- I understood the instructions, and
- The statement written by the officer accurately reflects what I said.

Signature of Witness

Policy 305 Major Crimes Team MOU-Protocol.pdf

**Memorandum of Understanding Regarding the Establishment of
an Interagency Major Crimes Investigation Team
Among the Law Enforcement Agencies Located in
Washington County Oregon**

THIS MEMORANDUM OF UNDERSTANDING is made and entered into by and among the law enforcement agencies located in Washington County, Oregon.

WHEREAS, the parties desire to establish an accepted means to coordinate the efficient and effective delivery of mutual aid between and among Washington County-area law enforcement agencies in relation to the investigation of major crimes, and;

WHEREAS, the parties desire to provide mutual aid to one another at a reasonable cost by eliminating duplication where feasible and making the most efficient and effective use of their resources;

NOW, THEREFORE, under authority of Chapter 190, Oregon Revised Statutes, it is hereby understood among the parties:

1. DEFINITIONS

The following definitions shall be used in construing the following words, phrases and abbreviations in this memorandum of understanding.

- A. Agency of Primary Jurisdiction: The law enforcement agency within whose jurisdictional boundaries a suspected major crime has occurred. In instances where aspects of a major crime occur within more than one agency's jurisdictional boundaries, the agency of primary jurisdiction shall be determined by agreement of the effected agencies.
- B. Chief Administrator: The highest-ranking law enforcement officer of a local police agency or his/her designee.
- C. District Attorney: The District Attorney for Washington County, Oregon, or his/her designee.
- D. Major Crimes: Includes all suspected criminal homicides, attempted homicides, and may include other suspected crimes that are complex in nature, regardless of whether anyone is killed or injured. Officer Involved Applications of Deadly Physical Force are a Major Crimes Team required response.
- E. Team: The Interagency Major Crime Team.
- F. Team Member: Members of the Interagency Major Crime Team.
- G. WCCCA: The Washington County Consolidated Communications Agency.

2. TEAM COMPOSITION

The team is composed of Investigators, Investigative supervisors, a Team Coordinator, and public information officers. Additionally, the District Attorney and the two Chief Deputy District Attorneys are team members. The nature of each position on the team is more particularly described below.

- A. *Investigators:* Investigators are peace officers submitted by each agency and approved by the District Attorney. Investigators conduct the investigation of a major crime in coordination with the District Attorney.

An individual selected to be investigator for the team should be among an agency's personnel best able to conduct one or more of the likely aspects of a major criminal investigation. An individual selected to be an investigator for the team does not have to be a detective or a person assigned to plain clothes investigative duties.

The individual should have experience in the investigative field, which has included the investigation of major felony cases. It is highly recommended that the investigator attend one or more of the nationally known homicide and/or major crime investigation schools. The investigator shall be familiar with traditional as well as modern investigative techniques.

Lead Investigator:

A lead investigator is a team member appointed for a specific investigation and controls and directs efforts of the investigators involved in a major crime investigation. The lead investigator should be a member of the agency of primary jurisdiction (except in Officer Involved Applications of Deadly Physical Force cases) and shall maintain all investigative reports. The lead investigator is responsible for direct communications with the District Attorney regarding prosecutions resulting from a major crime investigation.

- B. *Investigative Supervisors:* Investigative Supervisors are members of the team who have been submitted by their agency and approved by the District Attorney. Each agency shall designate one supervisor as that agency's investigative supervisor (generally the Detective Sergeant).

The investigative supervisor, in conjunction with the Team Coordinator, supervises, coordinates and facilitates the efforts of the investigators assigned to the team whenever a team is assigned to investigate a major crime in that supervisor's jurisdiction. The investigative supervisor maintains direct communication with the lead investigator to facilitate assets, logistical support and personnel needed to investigate a major crime. The investigative supervisor insures the investigative effort complies with agency policy, proceeds with economic soundness and ensures safety concerns are addressed.

The investigative supervisor also acts as a liaison to the Chief Administrator and public information officer of the agency of primary jurisdiction by assuring that the Chief Administrator and the public information officer of the agency of primary jurisdiction are adequately and regularly briefed on the progress of the investigation.

- C. Team Coordinator: The Investigative Supervisor chosen by the District Attorney to act as the coordinator for the MCT. The Team Coordinator acts as the main conduit for all MCT Callouts and notifications of potential callouts. The Team Coordinator determines which team investigators to call for MCT callouts and also responds to major incidents and all Officer Involved Applications of Deadly Physical Force cases. The team coordinator maintains the list of MCT members and coordinates monthly meetings and any specialized training for the team.
- D. Public Information Officers: Public information officers are individuals selected by their agency's Chief Administrator. The public information officer should be a member of the agency of primary jurisdiction. The PIO shall coordinate any release of information about a major crime with the investigative supervisor and the District Attorney.
- E. The District Attorney: The District Attorney works in coordination with the other team members to provide legal advice as needed or requested, review all the evidence collected, and determine the best avenue for prosecution of any suspects.

While it is recommended, investigative supervisors, lead investigators and PIO's are not required to be members of the agency of primary jurisdiction. The individuals filling these positions may be selected by mutual agreement of their respective chief administrators, District Attorney and the Chief administrator of the agency of primary jurisdiction.

- H. WCCCA: WCCCA shall act in a support role to the team in providing expedited access to investigation related audio recordings. Additionally, WCCCA shall act as an alternate notification point when the Team Coordinator (or designee) is otherwise unreachable. Current rosters will be maintained at WCCCA for this purpose and also to provide identification verification of MCT members.

3. TEAM ROSTER

The Team Coordinator is responsible for compiling, maintaining, and distributing the team roster.

4. REQUESTS TO ACTIVATE TEAM

To request activation of the team, an on-scene supervisor or detective sergeant from the jurisdiction of an incident must contact the team coordinator, either directly or through WCCCA. The decision to request activation of the team is always left to the discretion of the agency of primary jurisdiction, except for Officer Involved Applications of Deadly Physical Force.

The decision whether to grant the request to activate the team and, if so, how many members of the team to activate, is made by the District Attorney and/or the Team Coordinator.

5. CALL OUT

The team coordinator maintains the Major Crimes Team phone line. On duty supervisor or detective sergeant of the agency of primary jurisdiction can contact the Team Coordinator directly through the MCT phone line or request WCCCA place the call and request a callback by the Team Coordinator.

6. RESPONSE

When activated, the team will respond to the location designated by the agency of primary jurisdiction. The team members assigned to an investigation shall remain available from the time of the call out until fully or partially deactivated in the manner described in section 7, Deactivation, below.

7. DEACTIVATION

The team assigned to investigate a particular major crime may be partially or completely deactivated at any time for any reason at the direction of the agency of primary jurisdiction. Additionally, the employer of a team member assigned to investigate a particular major crime may recall the team member at the employer's sole discretion at any time.

8. TRAINING

Participating agencies are encouraged to provide training to its team members in the area of major crimes investigations to the extent resources are available to the agency for such training. It is recommended that these schools should include but not be limited to; Southern Police Institute Homicide School; Vern Geberth's Practical Homicide Investigation Course (basic and/or advanced); any major regional or state homicide schools (i.e.: New York State Police Homicide Training, Missouri State Police Homicide School or Vancouver B.C. Homicide Seminar) and any Officer Involved Shooting training.

11. MEDIA RELATIONS

Any request for release or confirmation of information concerning the investigation should be referred to the assigned public information officer. During an ongoing investigation, information that is going to be released to the public or the media will first be discussed with the District Attorney and the investigative supervisor or lead investigator.

12. LIABILITY AND INDEMNITY

A decision to refuse to activate the team, or a decision to deactivate the team once it has been activated, or to recall a team member assigned to investigate a particular major crime shall not be a basis upon which a participating agency may impose liability for damages upon another participating agency. Issues of liability will be addressed in and consistent with the current Intergovernmental Agreement For Mutual Aid Among Law Enforcement Agencies Located in Washington County, Oregon.

Each participating agency shall pay for the repair or replacement of its own property if the property is damaged by the sole fault of its own employee.

Each agency shall remain solely responsible for workers compensation claims by its employees, notwithstanding that the injury complained of occurs while under the supervision and control of the agency of primary jurisdiction.

Except as otherwise provided in this memorandum of understanding, the parties shall indemnify each other, if applicable, under common law indemnity principles.

13. FINANCE, COSTS, AND ACCOUNTING

Each participating agency shall pay all wages and benefits due any of its personnel, including overtime pay, worker's compensation benefits and death benefits, as if those employees were on duty working directly for agency by which he or she is employed.

Each agency shall remain responsible for the ordinary wear and tear and routine maintenance of its respective equipment, notwithstanding that the equipment is used under the supervision and control of the agency of primary jurisdiction.

Expenses incurred in the nature of travel, meals, and lodging and other expenses not otherwise specifically mentioned here shall be paid by one or more of the participating agencies in a manner determined on a case-by-case basis.

15. DURATION OF UNDERSTANDING

This memorandum of understanding shall take effect when it has been signed by authorized representatives of the District Attorney's Office, WCCCA and at least two of the governing bodies of the participating law enforcement agencies. The understanding shall continue indefinitely, until amended or terminated.

16. ADDITIONAL PARTIES

Any Washington County-area law enforcement agency not a party to this memorandum of understanding when it becomes effective may become a party to it by signing the memorandum of understanding after being authorized to do so by its governing body. Upon the signing of the memorandum of understanding by the additional party, the memorandum of understanding shall become binding among all the parties that have signed it.

17. TERMINATION, SUSPENSION OR WITHDRAWAL FROM MEMORANDUM OF UNDERSTANDING

Upon mutual consent of all the parties, this memorandum of understanding may be terminated at any time.

Any law enforcement agency that is a party to this memorandum of understanding may withdraw from it upon giving written notice to the other participating agencies, provided that such notice shall not be given while the agency seeking to withdraw is actively receiving aid from any other participating agency. Upon an agency's withdrawal from this memorandum of understanding, the memorandum of understanding shall remain in effect as among the remaining parties.

The District Attorney and WCCCA may withdraw from this memorandum of understanding only upon providing thirty days' advance written notice to the other participating agencies.

18. WAIVER

The failure of any party to enforce a provision of this memorandum of understanding shall not constitute a waiver by it of that or any other provision.

19. CAPTIONS

Captions and headings used in this memorandum of understanding are inserted for convenience of reference only and are not intended to affect the interpretation or construction of the understanding.

20. PARTIAL INVALIDITY

Whenever possible, each provision of this memorandum of understanding shall be interpreted in such a way as to be effective and valid under applicable law and consistent with the current Intergovernmental Agreement For Mutual Aid Among Law Enforcement Agencies Located in Washington County, Oregon.

If any provision of this memorandum of understanding is adjudged invalid, such adjudication shall not affect the remainder of such provision or the remaining provisions of this document, if such remainder would then continue to conform with the terms and requirements of applicable law and the intent of this memorandum of understanding.

21. AMENDMENTS

This memorandum of understanding may only be amended in writing, acknowledged by the authorized signature of all parties.

22. SIGNATORIES' AUTHORITY TO ENTER INTO MEMORANDUM OF UNDERSTANDING

Every person signing this memorandum of understanding hereby represents to all the others that they are fully authorized by their unit of local government to enter into the memorandum of understanding.

IN WITNESS WHEREOF, the parties by the signatures of their authorized representatives have executed this memorandum of understanding effective on the date shown by each signature.

City of Beaverton Police Department

By: _____

Printed Name: _____

Title: _____

Date: _____

City of Cornelius Police Department

By: _____

Printed Name: _____

Title: _____

Date: _____

City of Hillsboro Police Department

By: _____

Printed Name: _____

Title: _____

Date: _____

Oregon State Police

By: _____

Printed Name: _____

Title: _____

Date: _____

City of Forest Grove Police Department

By: _____

Printed Name: _____

Title: _____

Date: _____

WCCCA

By: _____

Printed Name: _____

Title: _____

Date: _____

City of North Plains Police Department

By: _____

Printed Name: _____

Title: _____

Date: _____

City of King City Police Department

By: _____

Printed Name: _____

Title: _____

Date: _____

Washington County District Attorney's Office

By: _____

Printed Name: _____

Title: _____ Date: _____

City of Tualatin Police Department

By: _____

Printed Name: _____

Title: _____

Date: _____

City of Sherwood Police Department

By: _____

Printed Name: _____

Title: _____

Date: _____

City of Tigard Police Department

By: _____

Printed Name: _____

Title: _____

Date: _____

Washington County Sheriff's Office

By: _____

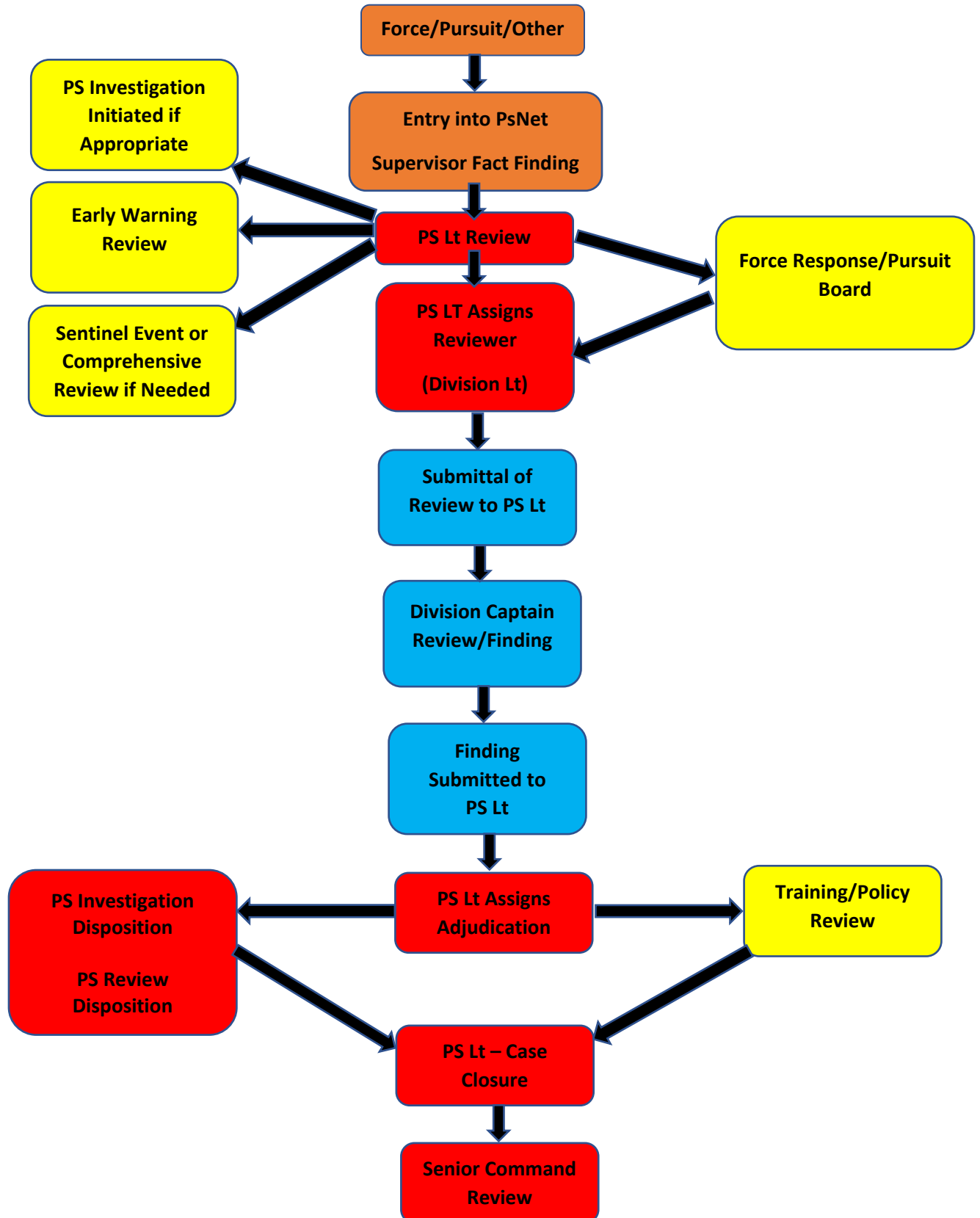
Printed Name: _____

Title: _____

Date: _____

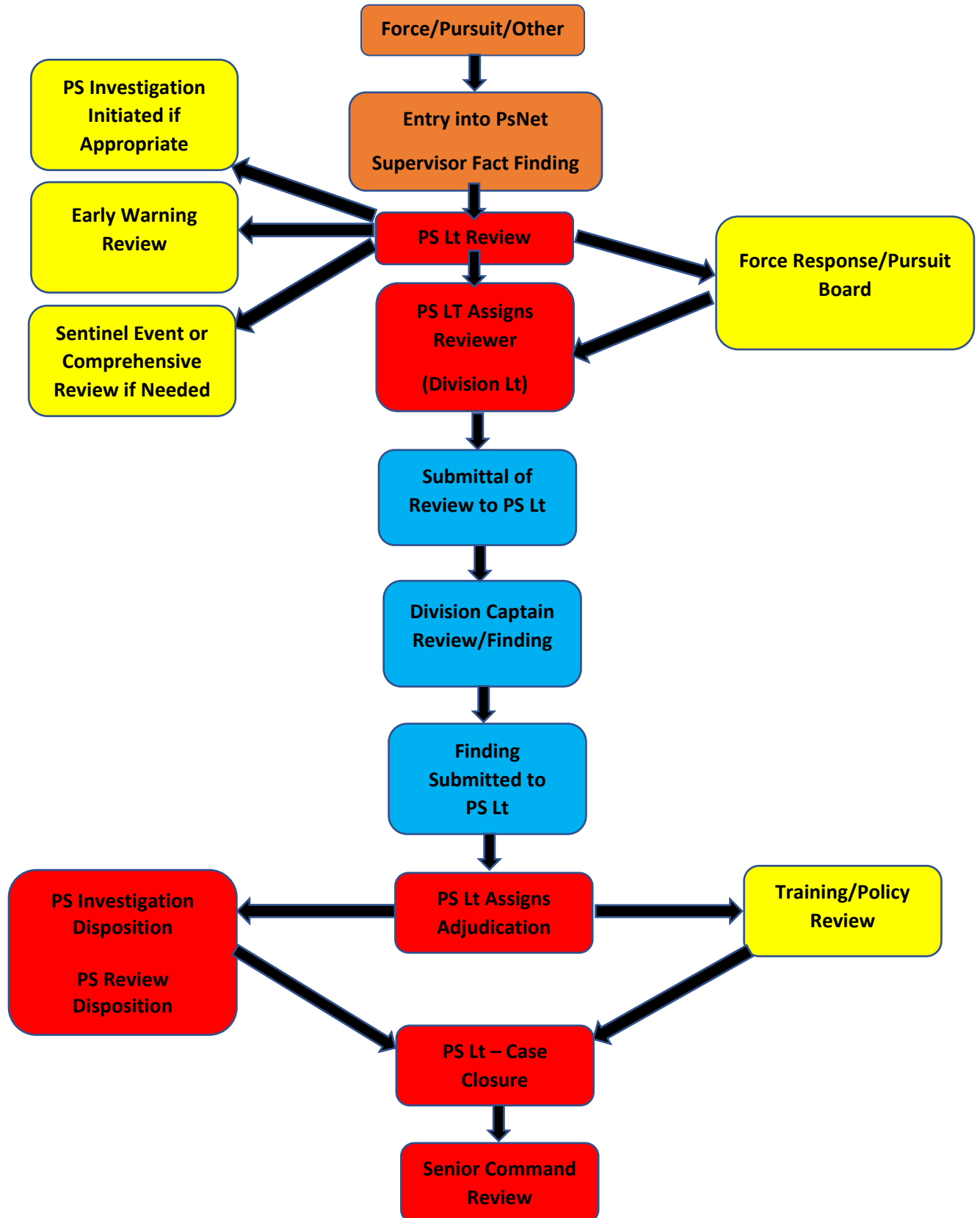
Policy 307 -Pursuit Review Flow Chart -02-15-23.pdf

Professional Standards – Incident Review Workflow



**Policy 300 - PS Incident Review
Flow Chart -02-15-23.pdf**

Professional Standards – Incident Review Workflow

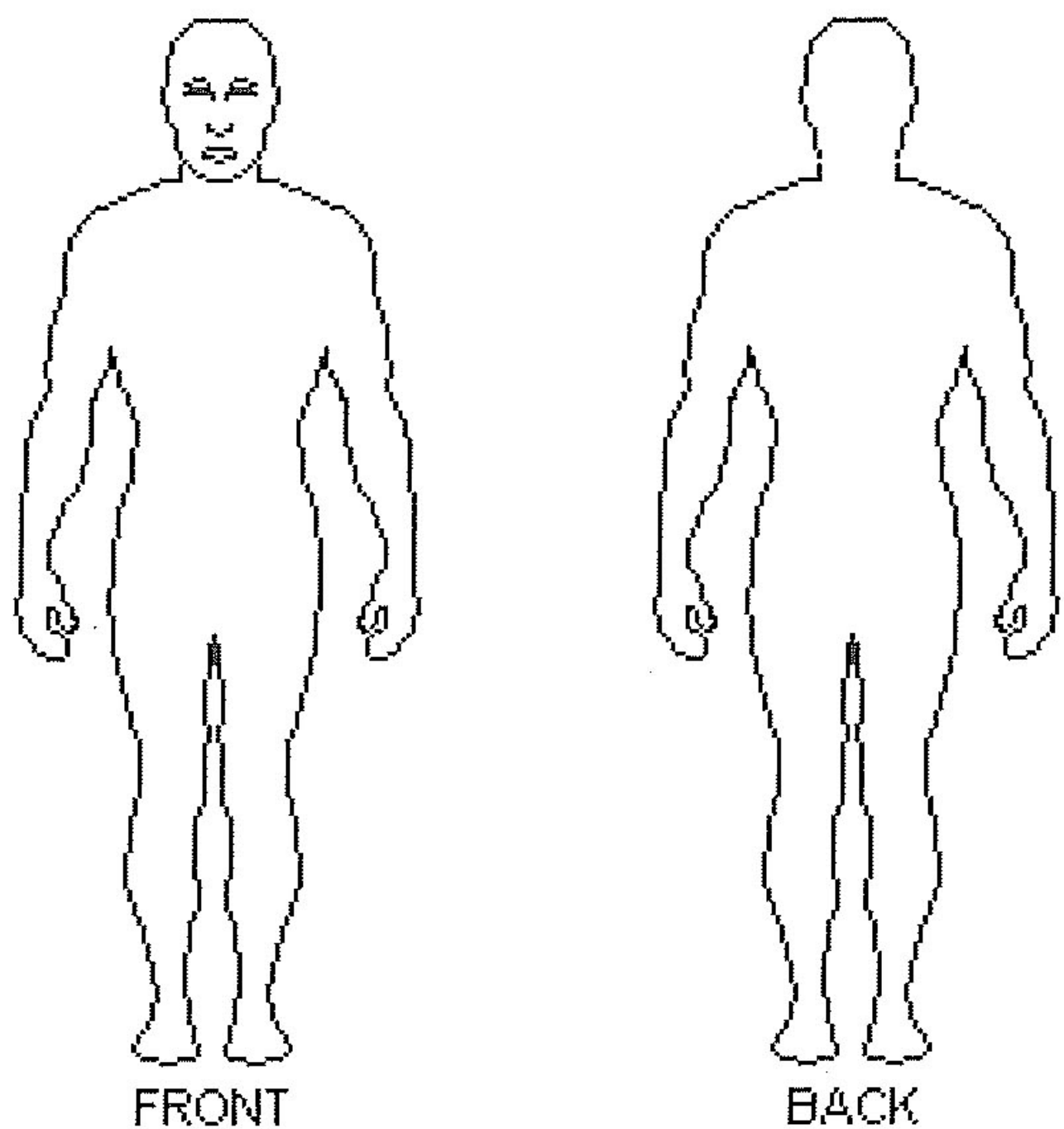


Policy 300 Use of Force Flow Chart 05-2021.pdf

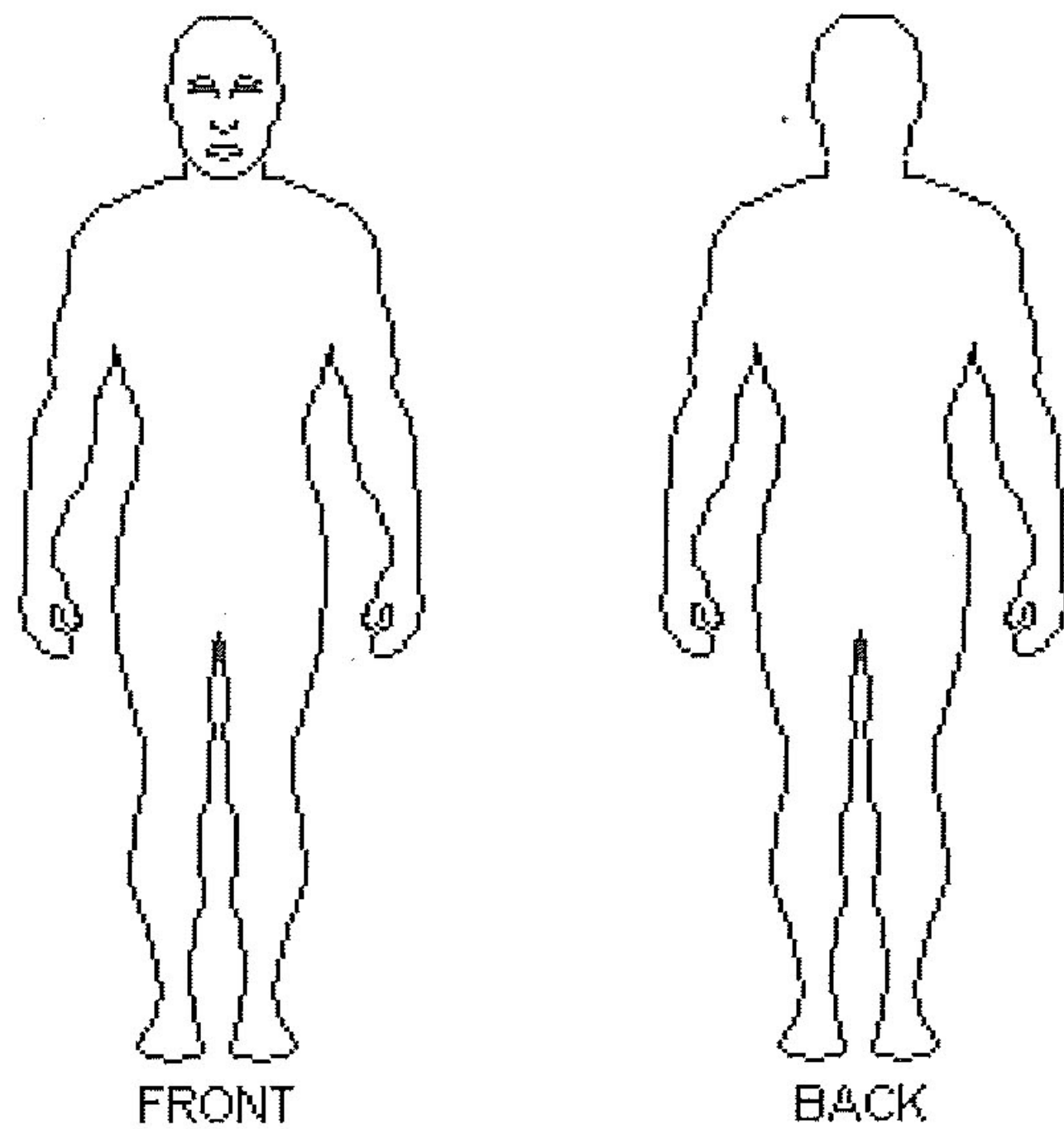
BPD DV Supplemental Report Form- Page 1(1).jpg

1. CASE NUMBER		BEAVERTON POLICE DEPT. DOMESTIC VIOLENCE SUPPLEMENTAL		PAGE / OF /	
RELATIONSHIP					
2. RELATIONSHIP BETWEEN VI & A1 ☐ Intimate – Married ☐ Intimate – Not Married ☐ Intimate – Same Sex ☐ Blood Relation ☐ Non-Blood Relation ☐ Caregiver ☐ Other					
3. DO VI and A1 SHARE A BIOLOGICAL CHILD TOGETHER? ☐ No ☐ Yes			4. STATUS OF REALATIONSHIP BETWEEN VI AND A1 ☐ Current ☐ Less than 2 Years ago ☐ More than 2 Years ago		
DEMEANOR / INJURIES					
VICTIM ☐ NO INJURIES			SUSPECT ☐ NO INJURIES		
DEMEANOR		INJURY / CONDITION	DEMEANOR		INJURY / CONDITION
☐ angry ☐ calm ☐ apologetic ☐ afraid ☐ crying ☐ irrational ☐ fearful ☐ nervous ☐ hysterical ☐ threatening		☐ bruise ☐ drugs ☐ abrasion ☐ alcohol ☐ minor cuts ☐ *other ☐ laceration ☐ fracture ☐ concussion *Explain in narrative	☐ angry ☐ calm ☐ apologetic ☐ afraid ☐ crying ☐ irrational ☐ fearful ☐ nervous ☐ hysterical ☐ threatening		☐ bruise ☐ drugs ☐ abrasion ☐ alcohol ☐ minor cuts ☐ *other ☐ laceration ☐ fracture ☐ concussion *Explain in narrative
PAIN SCALE (0 – No Pain, 10 – Worse Pain Imaginable) ☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10			PAIN SCALE (0 – No Pain, 10 – Worse Pain Imaginable) ☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10		
5. RECEIVED MEDICAL TREATMENT? ☐ No Yes → Hospital:			6. RECEIVED MEDICAL TREATMENT? ☐ No Yes → Hospital:		
CONFIDENTIAL CONTACT INFORMATION FOR VICTIM					
7. ALTERNATE ADDRESS FOR VI			8. SAFE PHONE NUMBER FOR VI		9. SAFE TIME TO CALL

VICTIM



SUSPECT



<u>DESCRIBE INJURIES</u>		<u>DESCRIBE INJURIES</u>	
10. Photos Taken? ☐ Yes No → Reason:		11. Photos Taken? ☐ Yes No → Reason:	
DOMESTIC VIOLENCE RESOURCE/CRIME VICTIMS RIGHTS CARDS GIVEN: ☐ Y ☐ N			
12. REPORTING OFFICER (S) /	13. DPSST# /	14. PREC / DIV /	15. SHIFT / DIST /
16. SUPV'S. INT & DPSST			

**Policy 208 - Retiree Handgun
Qualification Record 050721.pdf**

**Policy 305 Officer Involved Shooting
Wash Co Protocol-SB 111.pdf**



Washington County Use of Deadly Physical Force by Police Officers Plan

April 1, 2008

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Members of the Planning Authority

Sheriff Rob Gordon – co-chair
District Attorney Robert Hermann – co-chair
Lieutenant Marti West- Oregon State Police
Chief Kent Barker- Tualatin Police Department
Detective Wayne Hart- Forest Grove Police Department- Union Representative
Richard Inukai - Citizen

Preamble

Police officers serve and protect their fellow Oregonians. The use of deadly physical force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. The purpose of this Plan is not to set the standards for the use of such force, or to be a substitute for agency policy regarding use of force, but rather to provide a framework for a consistent response to an officer's use of deadly physical force that treats all people affected by the event fairly, and promotes public confidence in the criminal justice system.

Section 1: Administration

- 1) In the event that a member of the planning authority stops service, a replacement shall be appointed as provided in Section 2 (1) of Senate Bi11111, Oregon Laws 2007.
- 2) There shall be six voting members of the Planning Authority. The approval of the Plan, elements or revisions thereof, shall be by majority vote.
- 3) The presence of 2/3 of the voting members shall be required in order to hold any vote.
- 4) Any meeting of a quorum of the voting members of the Planning Authority is subject to Oregon's open meeting law.

Section 2: Applicability of the Plan

This plan shall be applicable, as set forth herein, to any use of deadly physical force resulting in a serious physical injury or the death of a person by a police officer acting in the course of and in furtherance of his/her official duties, occurring within Washington County, Oregon.

The planning authority shall submit the plan developed under Senate Bill 111, and revisions of the plan, to the governing body of each law enforcement agency within the county, except for the Department of State Police and the Department of Justice.

A governing body shall approve or disapprove the plan submitted to it under Senate Bill 111 within 60 days after receiving the plan. The governing body may not amend the plan.

If the plan is approved by at least two-thirds of the governing bodies to which the plan is submitted, the planning authority shall submit the approved plan to the Attorney General. No later than 30 days after receiving the plan, the Attorney General shall review the plan for compliance with the minimum requirements described in Senate Bill 111. If the Attorney General determines that the plan complies with the minimum requirements, the Attorney General shall approve the plan. Upon approval of the plan each law enforcement agency within the county to which the plan applies is subject to the provisions of the plan.

Section 3: Definitions

Law Enforcement Agency: The Department of State Police, the Department of Justice, a district attorney, a political subdivision of the State of Oregon and a municipal corporation of the State of Oregon, that maintains a law enforcement unit as defined in ORS 181.610 (12)(a)(A).

Plan: The final document approved by the Planning Authority, adopted by two-thirds of the governing bodies employing law enforcement agencies, and approved by the Attorney General and including any approved revisions which shall become part of this Plan.

Deadly Physical Force: Physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury. ORS 161.015 (3) Physical force that creates a substantial risk of death or serious bodily injury.

Serious Physical Injury: 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. ORS 161.015 (8)

Physical Injury: Impairment of physical condition or substantial pain. ORS 161.015 (7)

Police Officer: A person who is:

- (a) A police officer or reserve officer as defined in ORS 181.610; and
- (b) Employed by a law enforcement agency to enforce the criminal laws of this state.

Involved Officer: (a) A police officer whose official conduct or official order to use deadly physical force was a cause in fact of the death of a person. As used in this paragraph, "order to use deadly physical force" means an order issued to another officer to use deadly physical force in a specific incident or an order or directive establishing rules of engagement for the use of deadly physical force for a specific incident. (b) A police officer (or other law enforcement agency employee) whose official conduct was not a cause in fact of the death of a person but whose official involvement in an incident in which the use of deadly physical force by a police officer resulted in the death of a person:

- (A) Began before or during the use of the deadly physical force; and
- (B) Was reasonably likely to have exposed the police officer to greater stresses or trauma than other police officers experienced as a result of their involvement in the incident before or during the use of the deadly physical force. SB 111 SECTION 5 (1) (a) and (b)

Section 4: Education, Outreach and Training

Education, outreach and training regarding the use of deadly physical force

Police officers, attorneys employed by state or local government within the county and members of the community shall receive appropriate education, training and outreach regarding the use of deadly physical force.

(1) Law enforcement agencies in Washington County shall continue to require appropriate training for all law enforcement officers to prepare them for appropriate and authorized use of force in the conduct of their assigned duties. Officers will also receive at least the training required by the Department of Public Safety Standards and Training to maintain certification to help ensure their appropriate use of deadly force. The training will include a review of state and county law and policy.

(2) Agencies are encouraged to provide ongoing education, training and other resources to the general public, including the mental health community. Such training may be a Citizens' Academy or other formalized education which includes municipal, county and state laws, policies and practices regarding use of deadly force.

(3) Agencies are encouraged to provide explanatory materials to help ensure general public understanding of the legal and policy requirements associated with use of deadly force without compromising the integrity of any investigation.

(4) At least once per calendar year the District Attorneys office shall conduct, co-sponsor, and/or endorse a seminar/training regarding the use of deadly force and the investigation of such incidents. Attorneys employed by state and local governments within the county will be notified and encouraged to attend.

Section 5: Immediate Aftermath

In response to any incident in which a police officer employed by a law enforcement agency in Washington County used deadly force:

(1) The employee's law enforcement agency shall pay the costs of at least two sessions with a mental health professional that are attended by the officer. The first session should be held within 15 days of the incident, schedule permitting, and the second must be held within six months after the incident in which the officer was involved.

(a) Each involved officer shall attend at least one of the sessions described in paragraph (1) of this subsection.

(b) Sessions with a mental health professional under this subsection may not be substituted for a fitness for duty examination required or requested as a condition of employment by the law enforcement agency that employs the involved officer.

(c) For at least 72 hours immediately following an incident in which the use of deadly physical force by a police officer resulted in the death or serious physical injury of a person, a law enforcement agency may not return an involved officer to duties that might place the officer in a situation in which the officer may have to use deadly physical force.

(d) A law enforcement agency is encouraged to employ additional procedures such as peer counseling, family counseling, spousal support, spiritual counseling, stress trauma response or other appropriate support.

(e) A law enforcement agency is encouraged to provide additional training, including re-qualification with the weapon used prior to return of the involved officer to their duties. Re-qualification provides reassurance for the officer's skills, willingness to engage in expected responsibilities, and the readiness of the officer's weapon system. It provides documentation for the agency that the officer maintains the required degree of weapon proficiency, and that the officer is fit to return to duty in the officer's assigned position.

Section 6: Investigation

Investigation of an incident in which a police officer used deadly physical force.

(1) The Washington County Major Crimes Team will conduct all investigations in which a police officer uses deadly physical force.

(2) The Washington County Major Crimes Team Protocol provides specific detail on conducting such an investigation, including provision that an investigation will be led or co-led by an officer from a law enforcement agency other than the law enforcement agency which employs the officer involved in the use of deadly physical force. (See Appendix B)

Section 7: District Attorney's Discretion

The district attorney for Washington County has discretion to resolve issues of potential criminal responsibility resulting from a police officer's use of deadly physical force.

- (1) When an incident of the use of deadly physical force by an officer occurs, and death or serious physical injury results, the agency shall, as soon as practicable notify the District Attorney's Office.
 - (a) Notification shall be made to the District Attorney, Chief Deputy, or other senior member of the District Attorney's staff.
- (2) When a use of deadly physical force by an officer occurs, and death or serious physical injury results, the District Attorney, and/or a senior member of his staff will consult with the agency regarding the investigation and implementation of the other elements of this plan.
- (3) The District Attorney has the sole statutory and constitutional duty to make the decision on whether to present a matter to a Grand Jury.
 - (a) Preliminary Hearings (ORS 135.070) will not be used as a method of reviewing an officer's use of deadly force.
 - (b) An inquest (ORS 146.135-165) will not be used as a method of reviewing an officer's use of deadly force.
 - (c) The District Attorney will review the Major Crimes Team's investigation and make the decision on whether to present the case to a Grand Jury.
 - (1) The timing of the decision will be made by the District Attorney at such time as he has determined that sufficient information is available to competently make the decision.
 - (d) If the District Attorney decides to present a case to the Grand Jury, the District Attorney shall promptly notify the Major Crime Team's lead investigator, the involved officer's agency, and the involved officer's representative.
 - (e) If the District Attorney decides that the investigation reveals that the officer's use of deadly force was justified under Oregon law, and that Grand Jury review is unnecessary, the District Attorney shall so notify the Agency, the involved officer, the involved officer's representative, and the public. Additionally, the District Attorney will make records of the investigation available to the public, subject to Oregon public records laws.

Section 8: Reporting and Debriefing

Certain actions shall be taken following an incident in which a police officer employed by a law enforcement agency in Washington County used deadly physical force.

(1) A law enforcement agency shall collect at least the following information relating to incidents in which a police officer's use of deadly physical force resulted in the death of a person:

- (a) The name, gender, race, ethnicity and age of the decedent.
- (b) The date, time and location of the incident.
- (c) A brief description of the circumstances surrounding the incident.

(2) A law enforcement agency shall promptly submit the information collected under paragraph (1) of this subsection to the Department of Justice and will provide a copy of the information to the District Attorney of Washington County.

(3) The Department of Justice shall compile and periodically publish information submitted under subsection (2) of this section. The department, by rule, may specify a form to be used by law enforcement agencies in submitting information under subsection (2) of this section.

(4) If a form is provided by the Department of Justice for submitting this information, it shall be used in submitting this information.

(5) The law enforcement agency employing a police officer involved in a use of deadly force incident shall conduct a debriefing after the incident as a normal part of their procedure.

(6) The debriefing conducted under subsection (5) of this subsection by the agency, including any suggested changes in agency policies, shall be submitted to the Planning Authority. The Planning Authority's plan for data collection, debriefing, and plan revision should include two distinct procedures for deriving lessons from deadly force incidents that result in the death. First, law enforcement agencies should conduct an evaluation of the incident to determine whether changes to the agency's use of deadly force policy or other procedures are advisable [subsection (5) of this section]. Second, the Planning Authority itself should conduct an assessment of existing County Use of Deadly Physical Force by Police Officers plans in light of experience. Based on that assessment, the Planning Authority could propose changes to those plans. Revised plans would require approval by the governing bodies in the same manner that those bodies approved or disapproved of the original plan.

Section 9: Estimated Costs

The Planning Authority shall report the estimated fiscal impact on the law enforcement agencies to which the plan applies of each element of this plan.

At the conclusion of each fiscal year following the adoption of the plan, each agency shall submit to the administrator of the plan, a report outlining the fiscal impact of each element of the plan as described in sections (a) to (e) of Section 2 (4) of Senate Bi11111, Oregon Laws 2006.

Section 10: Plan Revision

The Washington County Use of Deadly Force Planning Authority will meet at least annually to review and discuss the operation of this plan.

If a revision of this Plan becomes advisable, the Planning Authority shall meet and discuss such a revision. If the Planning Authority adopts a revision, such revision shall be submitted for approval as provided by statute.

Section 11: Governing Body Approvals

(Please Circle "Approved" or "Disapproved" to indicate your selection.)

Banks

Approved or disapproved by: _____

Date: _____

Beaverton

Approved or disapproved by: _____

Date: _____

Cornelius

Approved or disapproved by: _____

Date: _____

Forest Grove

Approved or disapproved by: _____

Date: _____

Gaston

Approved or disapproved by: _____

Date: _____

Hillsboro

Approved or disapproved by: _____

Date: _____

King City

Approved or disapproved by:

Justin Wiles

Date:

4-16-08

North Plains

Approved or disapproved by:

Cheri Olson, Mayor

Date:

4/28/08

Sherwood

Approved or disapproved by:

Ron E. S. Hult

Date:

4/15/08

Tigard

Approved or disapproved by:

Craig Prosser

Date:

4/23/08

Tualatin

Approved or disapproved by:

Shirley Johnson

Date:

4/28/08

Washington County

Approved or disapproved by:

Robert Davis

Date:

5/6/08

Appendix: Agency Policies

Beaverton Police Department

Cornelius Police Department

Forest Grove Police Department

Hillsboro Police Department

King City Police Department

North Plains Police Department

Oregon State Police

Sherwood Police Department

Tigard Police Department

Tualatin Police Department

Washington County Sheriff's Office

Appendix B: Washington County Major Crimes Team Protocol

Policy 602 Eyewitness Identification Lineup Form 11-14.pdf

EYEWITNESS IDENTIFICATION FORM

PHOTO LINEUP



Case Number: _____
Presenter Name: _____
Date and Time of Presentation: _____
Witness Name: _____

Give the following admonishment prior to showing photos **(READ BY OFFICER TO WITNESS)**:

- In a moment I am going to show you some photographs. A photograph of the person who committed the crime may or may not be among them. You will be shown all of the photographs and you may take your time looking at them.
- If you see the person who committed the crime, pick that photograph. If you do not, then you should not pick any photograph.
- Please view all photographs before deciding whether you should make a selection.
- To protect the integrity of this investigation I do not know which photo I am showing you at any time, so do not draw any conclusion from my actions as I present each photograph.
- If you pick a photograph, I am going to ask you to explain why you picked that photograph and to describe in your own words both how confident you are in your choice of photographs and the exact reasons you made your selection.
- If you do not make a selection, be assured that the investigation will continue.
- Do you understand these instructions? _____ (answer given by witness)

WITNESS STATEMENT (WRITTEN BY OFFICER)

Witness picked photograph number: _____

I, _____, affirm that

- I read or was read the instructions above;
- I understood the instructions, and
- The statement written by the officer accurately reflects what I said.

Finally, I understand that I should not talk to other people about the photos or tell them which photo I picked if any.

Signature of Witness

Vehicle Inventory Ordinance BC 6.05.200-.240.pdf

Policy 421 BWC DME Retention Schedule 02-2023.pdf

BPD Policy 421 Body-Worn Camera DME Retention Schedule

Description	Minimum Retention
Uncategorized	Until manually deleted
Contacts/non-events	30 weeks
Citations/Violations/CFS	395 days
Misdemeanor Arrests/Use of Force	760 days
Felonies	160 weeks
Arson	318 weeks
Elder Crime: Theft/Robbery/Fraud	318 weeks
2 nd /3 rd Degree Sex Crime/Strangulation	31 years
Murder/Homicide/1 st Degree Sex Crime	Until manually deleted
Admin Audio Recordings	3 years
Pending Review	Until manually deleted
Restricted Access	Until manually deleted

Policy 300.5.2 Use of Force Review Flow Chart.pdf

Uniform Traffic Ordinance BC 6.02.010 - 6.02.900.pdf

Policy 316 Amber Alert Activation Form.pdf

AMBER Alert Activation Form



Date: _____

Officer's Name: _____

Telephone Number: _____

Case Information

	YES	NO*
A. Is this a child abduction?	☐	☐
B. Is the child 17 years of age or younger?	☐	☐
C. Is there reason to believe the child may be in danger of serious bodily harm or death?	☐	☐
D. Is there sufficient descriptive information about the child, abductor, and/or suspect's vehicle to believe an immediate broadcast alert will help?	☐	☐
E. Has the child's name and other critical data elements, including the child abduction (CA) and AMBER alert (AA) flags, either have been or will be entered into the National Crime Information Center (NCIC) system?	☐	☐

Note: An AMBER alert should not be used if the child is a runaway or has been abducted as a result of a child custody situation unless the child may be in danger of serious bodily harm or death.

***ANSWERING "NO" TO ANY OF THESE QUESTIONS MEANS
THE AMBER ALERT WILL NOT BE USED.**

Child #1

First Name: _____ Last Name: _____ Age: _____
Race/Gender: _____ Hair/Eyes: _____ Height/Weight: _____
Physical Descriptors, scars, marks, tattoos, etc.: _____ Clothing Description: _____
Description of Last Known Location: _____ Date: _____ Time: _____
Photo if available ☐

Child #2 (if applicable)

First Name: _____ Last Name: _____ Age: _____
Race/Gender: _____ Hair/Eyes: _____ Height/Weight: _____
Physical Descriptors, scars, marks, tattoos, etc.: _____ Clothing Description: _____
Description of Last Known Location: _____ Date: _____ Time: _____
Photo if available ☐

AMBER Alert Activation Form



Suspect #1

First Name: _____ Last Name: _____ Age: _____
Race/Gender: _____ Hair Color and Length: _____ Eyes: _____
Height/Weight: _____ Physical Descriptors, scars, marks, tattoos, etc.: _____
Clothing Description: _____
Last Known Location: _____

Suspect #2 (if applicable)

First Name: _____ Last Name: _____ Age: _____
Race/Gender: _____ Hair Color and Length: _____ Eyes: _____
Height/Weight: _____ Physical Descriptors, scars, marks, tattoos, etc.: _____
Clothing Description: _____
Last Known Location: _____

Vehicle Information

Year: _____ Color: _____ Make: _____ Model: _____
License Plate: _____ License State: _____
Other Distinguishing Marks or Characteristics: _____
Last Known Direction of Travel/Potential Destination: _____

**Policy 502 Uniform Traffic and Parking
Ordinances 08-21 BC 6.02.010 - 6.02.720.pdf**

UNIFORM TRAFFIC AND PARKING ORDINANCE

Beaverton Code 6.02.010 to 6.02.720 – Vehicles and Traffic

I. GENERAL PROVISIONS

6.02.010 Short title.

BC 6.02.010 to 6.02.900 shall be known and may be cited as the “Beaverton uniform traffic and parking ordinance” and may also be referred to as “this ordinance.”

[BC 6.02.010, amended by Ordinance No. 4053 § 1, 8/2/99; amended by Ordinance No. 4742, 10/2/18]

6.02.020 Applicability of state traffic laws.

A. Violation of a provision of the Oregon Vehicle Code, as now constituted, is an offense against this city, punishable as provided by state law.

B. A reference in any ordinance, resolution, Code section or regulation of the City to any section of the Oregon Revised Statutes repealed by Oregon Laws 1983, Chapter 338, Section 978, or Oregon Laws 1985, Chapter 16, Section 475, is deemed a reference to the comparative section of Oregon Laws 1983, Chapter 338, Sections 1 981, and Oregon Laws 1985, Chapter 16, Sections 1 477, as shown in “Introduction to Oregon Vehicle Code 1986 87,” prepared by the Judicial Education Committee of the Oregon Judicial Conference.

[BC 6.02.020, amended by Ordinance No. 3342; amended by Ordinances No. 3467, Ordinance No. 3478, Ordinance No. 3511, Ordinance No. 3579, Ordinance No. 3692, 10/9/89, Ordinance No. 3791, 10/7/91, Ordinance No. 3869, 11/1/93, Ordinance No. 3946, 12/18/95, Ordinance No. 4009, 6/15/98, Ordinance No. 4108, 5/8/00, Ordinance No. 4196 § 23, 2/11/02, Ordinance No. 4307, 5/10/04]

6.02.030 Definitions

A. In addition to those definitions contained in the Oregon Vehicle Code, the following mean:

Abandoned Vehicle – A vehicle left in circumstances demonstrating its owner never intends to return.

A. A motor vehicle shall be deemed an Abandoned Vehicle under this definition if it remains upon any street or public property for a period in excess of 48 hours and the motor vehicle:

1. Reasonably appears incapable of self propulsion; or
2. Does not display a current registration plate or a current trip permit; or
3. Is on a street and is not registered to a person at the address of property on the same side of the street that abuts the part of the street upon which the motor vehicle is located; or
4. Is on public property other than a street without the consent of the owner, occupant and any other person in lawful possession of the public property.

B. A trailer shall be deemed an Abandoned Vehicle under this definition if it remains upon any street or public property for a period in excess of 24 hours and:

1. The trailer does not display a current registration plate or a current trip permit, unless exempt from registration under provision of Oregon law; or
2. Is on a street and no right of control over the trailer exists in a person or relative of a person who owns property or resides at property that is on the same side of the street that abuts the part of the street upon which the trailer is located; or

UNIFORM TRAFFIC AND PARKING ORDINANCE

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3. Is on public property other than a street without the consent of the owner, occupant and any other person in lawful possession of the public property.

Block – That portion of street frontage on one side of the street between two intersecting streets.

Bus stop – A space on the edge of a street designated by sign for use by buses loading or unloading passengers.

Business district – Any area of the City designated as a commercial district by the Development Code.

Driveway – Any alley or access drive to public or private property from a street. The term driveway shall include all portions of the curb that have been sloped, tapered and/or depressed to accommodate vehicle movement.

Emergency – For purposes of BC 6.02.320 a situation where an unforeseen combination of circumstances calls for immediate action in order to avoid damage to a vehicle or where a vehicle was rendered inoperable, but does not include a situation where the vehicle is left standing in excess of 24 hours.

Holiday – New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day designated by the council to be a holiday.

Loading zone – A space on the edge of a street designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

Motor vehicle – A vehicle that is self propelled or designed for self propulsion.

Parade – A gathering of at least ten persons or ten vehicles or both traveling more than 100 feet on public streets, sidewalks or alleys for a common purpose of public demonstration.

Street – Every public way, road, highway thoroughfare and place, including bridges, viaducts and other structures, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

Taxicab stand – A space on the edge of a street designated by sign for use by taxicabs.

Traffic lane – That area of the street used for the movement of a single lane of traffic.

Vehicle – Any device in, upon or by which any person or property is or may be transported or drawn upon a street and includes vehicles that are propelled or powered by any means.

[BC 6.02.030, amended by Ordinance No. 3278, 8/17/82; amended by Ordinances No. 3971, 1/6/97, Ordinance No. 4053, 8/2/99, Ordinance No. 4223 § 1, Ordinance No. 4507, 4/20/09, Ordinance No. 4794, 12/1/20]

II. TRAFFIC ISSUE PROCESS

III. ADMINISTRATION

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IV GENERAL REGULATIONS

6.02.200 Rules of the road.

In addition to state law, the following shall apply to the operation of vehicles upon the streets of the City:

- A. The operator of a vehicle shall not back the vehicle unless the movement can be made with reasonable safety and without interfering with other traffic, and shall yield the right-of-way to moving traffic and pedestrians.
- B. The operator of a vehicle in the traffic lane shall have the right-of-way over an operator of a vehicle departing from a parking space.
- C. No operator of a vehicle shall pull away from a curb or other parking area without giving an appropriate turn signal when other traffic may be affected.
- D. Where a stop sign is erected at or near the entrance to an intersection, the operator of a vehicle approaching shall bring the vehicle to a stop before crossing a stop line or crosswalk; or, if none, then before entering the intersection. Stopping at a point which does not yield an unobstructed view of traffic on the intersecting street shall not constitute compliance with the requirements of this subsection.

6.02.205 Earphones.

No person shall operate a motor vehicle or bicycle upon a highway as defined in ORS 481.020 while one or both of the person's ears are covered or occupied by headphones or earphones. [BC 6.02.205, added by Ordinance No. 3469, 10/8/85]

6.02.210 Crossing private property.

No operator of a vehicle shall proceed from one street to another street by crossing private property. This provision shall not apply to the operator of a vehicle who stops on the property for the purpose of procuring or providing goods or services.

6.02.215 Exhaust brakes.

No person shall use a compression braking system in conjunction with the operation of a motor vehicle, except for a person operating an emergency services vehicle (a fire engine or similar apparatus) equipped with a muffled exhaust braking system or except to avoid imminent danger to person or property. Compression braking systems, commonly found on trucks and busses and referred to as "Jake" brakes, convert an internal combustion engine into an air compressor for the purpose of slowing or stopping a vehicle with the use of wheel brakes.

[BC 6.02.215, added by Ordinance No. 3470, 10/7/85; amended by Ordinances No. 3538, 10/21/86, Ordinance No. 4346, 4/4/05]

6.02.230 Rollerskates, sleds, etc.

No person shall:

- A. Use the streets for traveling on skis, toboggans, sleds, or similar devices, except where authorized.
- B. Use rollerskates or skateboards on sidewalks in the business district or on any street, except as authorized or except to cross at a crosswalk.

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Beaverton Code 6.02.010 to 6.02.720 – Vehicles and Traffic

6.02.240 Damaging sidewalks and curbs.

- A. The operator of a motor vehicle shall not drive upon a sidewalk, planter or decorative median strip, or street planting strip except to cross at a permanent or temporary driveway.
- B. No unauthorized person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.
- C. No person shall remove a portion of a curb or move a motor vehicle or device moved by a motor vehicle upon a curb or sidewalk without first obtaining authorization and posting bond if required. A person who causes damage shall be held responsible for the cost of repair.

6.02.250 Obstructing streets.

- A. No unauthorized person shall obstruct the free movement of vehicles or pedestrians using the streets.
- B. No person shall park or stand a motor vehicle in such a manner that it constitutes a hazardous vehicle as defined in BC 6.05.010.
- C. No person shall park or stand a vehicle upon or obstructing any street or other premises open to the public marked with a curb or surface marking, or posted with a sign, indicating the premises are set aside as a fire lane, fire apparatus access road, or access curb. [BC 6.02.250, amended by Ordinance No. 4321, 9/20/04]

6.02.270 Parks.

No person shall ride a horse or operate or park a motor vehicle in any place in a City park or any other city-owned property, except on a street, parking area, parking lot or a place designated by signs providing therefor.

V. PARKING REGULATIONS

6.02.300 Method of parking.

- A. No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.
- B. Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction of the nearest lane of travel and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.
- C. The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to deprive the operator of that priority or block the access.
- D. Whenever the operator of a vehicle is knowingly parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

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6.02.305 Prohibited parking in specified places.

No person shall stop, stand or park a motor vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal in any of the following places:

A. Within fifty feet of any uncontrolled intersection or any intersection controlled with side-mounted stop signs, side-mounted yield signs, or side-mounted signals, except: 1) on one-way streets leaving an intersection, or 2) on streets otherwise signed, if:

1. the vehicle is over six feet in height, or
2. the vehicle is less than six feet in height, but by manufacture or modification, obscures the vision of:
 - a. any official side-mounted traffic control sign or signal;
 - b. intersection traffic; or
 - c. any pedestrian in a crosswalk.

Such vehicles described in subsection A2 are inclusive of, but not limited to:

- Vehicles with darkened, shaded or curtained windows.
- Vehicles modified to eliminate side window(s) and/or rear window(s).
- Vehicles with visibility through windows blocked by parcels, packages, or freight.
- Pickup vehicles of less than six feet in height but mounted with a canopy or camper with limited visibility through it.
- Panel trucks with no side and/or rear window(s).
- An “uncontrolled intersection” is one where there are no traffic regulating signs or signals.

6.02.310 Prohibited parking or standing.

No person shall park or stand:

A. A vehicle in violation of state motor vehicle laws or on the public right-of-way in violation of a lawfully erected parking limitation sign.

B. A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of 30 consecutive minutes.

C. A motor truck as defined by the Oregon Vehicle Code on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front of or adjacent to a residence, motel, apartment house, hotel, or other sleeping accommodation.

D. A vehicle upon a bridge, viaduct, or other elevated structure used as a street or within a street tunnel unless authorized.

E. A vehicle upon a parkway or freeway, except as authorized.

F. Repealed by Ordinance No. 4415.

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G. A vehicle for a period in excess of a maximum parking time limit where so designated by sign or other marking. Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

H. Unless otherwise indicated, a vehicle within 20 feet of an intersection except momentarily to pick up or discharge a passenger.

I. Any trailer house, camp trailer, mobile home, auto home, camp car, recreational vehicle, boat, boat trailer, utility trailer, or any other device not primarily intended for the transportation of people, upon any street, such that the device has not moved at least one tenth of a mile within 48 hours.

J. A vehicle on a street or public place or premises open to the public without a license plate or a vehicle with a license plate or temporary licensing permit which is expired for more than one month.

K. A vehicle any place on premises occupied by the city police station that is marked as a place for police parking only.

L. A motor vehicle upon a sidewalk, curb, planting strip or median within the public right-of-way.

M. A vehicle in front of and 10 feet on either side of a mailbox during the hours of 8:00 a.m. to 6:00 p.m., except Sundays and federal holidays.

[BC 6.02.310, amended by Ordinance No. 3278, 8/17/82; amended by Ordinances No. 3365, 4/10/84, Ordinance No. 3427, 1/22/85, Ordinance No. 3447, 5/14/85, Ordinance No. 3537, 10/21/86, Ordinance No. 3560, 4/14/87, Ordinance No. 4053 § 3, 8/2/99, Ordinance No. 4185, 12/17/01, Ordinance No. 4415, 12/11/06, Ordinance No. 4614, 6/11/13]

6.02.320 Prohibited parking of vehicles for vending purposes.

No person shall park or leave standing a vehicle on city-owned premises or on a right-of-way of a city highway for the purpose of advertising, selling or offering merchandise for sale, including the vehicle itself, except pursuant to written agreement with the city. [BC 6.02.320, amended by Ordinance No. 3890, 3/28/94; amended by Ordinance No. 4258, 7/14/03]

6.02.322 Definitions for BC 6.02.323 and 6.02.324.

As used in BC 6.02.323 and 6.02.324:

“Camp” means set up, or remain in a vehicle, for the purpose of establishing or maintaining a temporary place to live.

“Commercial parking lot” means a parking lot adjacent to a commercial structure, or a lot if not adjacent then within the control of the commercial interest occupying the structure, which lot is privately owned but open to the public. As used in BC 6.02.324 only, “commercial parking lot” also includes a parking lot owned or controlled by a religious institution, place of worship, public service nonprofit, or public entity.

“Commercial structure” means a building in which the predominant activity is connected with the sale, rental or distribution of or performance of services to end users of products or services.

“Person in charge” means a person, a representative or employee of the person who has lawful control of premises by ownership, tenancy, official position or other legal relationship.

“Sanitary facilities” include, but are not limited to, toilet, hand washing, and trash disposal facilities.

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“Vehicle” means a trailer house, camp trailer, mobile home, auto home, camp car, recreational vehicle, van, automobile, or similar conveyance.

[BC 6.02.322, added by Ordinance No. 4743, 10/10/18; amended by Ordinance No. 4773, 9/17/19]

6.02.323 Prohibited vehicle camping.

Except as authorized by BC 6.02.324, a person shall not camp in a commercial parking lot.

B. A person in charge of a commercial structure or parking lot who believes that it is more likely than not that a person is camping in violation of this section shall do all of the following:

1. Make a reasonable effort under the circumstances to locate the operator of the offending vehicle; and
2. Make a reasonable effort under the circumstances to request that the person cease the offending conduct.

C. A person in charge of a commercial structure or parking lot who fails to follow the sequence of events listed in subsection B of this section commits a Class 2 civil infraction.

[BC 6.02.323, added by Ordinance No. 4384, 3/6/06; amended by Ordinance No. 4743, 10/10/18]

6.02.324 Permitted vehicle camping.

A property owner may allow a person to camp in a commercial parking lot if (1) expressly authorized by the city manager under a program administered by the city manager and established by council resolution, and (2) the property owner complies with the requirements outlined in subsection B of this section.

B. Each property owner described in subsection A of this section shall:

1. *Permit the Designated Program Manager to Enter the Commercial Parking Lot.* The designated program manager is responsible for the intake, placement, and case management of the persons camping in a commercial parking lot.
2. Permit sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities, to be placed at the commercial parking lot for persons camping in a commercial parking lot.
3. Permit a storage container to be placed on the commercial parking lot for persons camping to store personal items such that the items are not visible from any public right-of-way.
4. Not require any payment from persons camping in a commercial parking lot.

C. A property owner described in subsection A of this section may establish additional regulations for use of its commercial parking lot. A property owner may revoke permission for a person to camp in a commercial parking lot at any time if the person violates a property owner's regulations.

D. A property owner described in subsection A of this section who does not comply with this section commits a Class 2 civil infraction.

[BC 6.02.324, added by Ordinance No. 4743, 10/10/18; amended by Ordinances No. 4773, 9/17/19, Ordinance No. 4794, 12/1/20]

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6.02.325 Prohibited repair of vehicle.

No person shall park or leave standing a vehicle on city-owned property or on a right-of-way of a city highway for the purpose of repairing or servicing the vehicle, except pursuant to written agreement with the city or under circumstances where repair or service of the vehicle is necessitated by an unforeseeable emergency.

[BC 6.02.325, amended by Ordinance No. 4258, 7/14/03]

6.02.330 Use of loading zone.

No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone when the hours applicable to loading zone are in effect. In no case when the hours applicable to loading zone are in effect shall the stop for loading and unloading of materials exceed the time limits posted. If no time limits are posted, then the use of the zone shall not exceed 30 minutes.

6.02.340 Unattended vehicles.

No operator or person in charge of a motor vehicle shall park it or allow it to be parked unattended on a street, on premises open to the public or on a new or used car lot without first stopping the engine, turning the front wheels to the curb, if any, locking the ignition, removing the ignition key from the vehicle, and effectively setting the brake. If the vehicle is attended, the ignition key need not be removed.

6.02.350 Standing or parking of buses and taxicabs.

The operator of a bus or taxicab shall not stand or park the vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers.

6.02.360 Restricted use of bus and taxicab stands.

No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

6.02.370 Lights on parked vehicle.

No lights need be displayed upon a vehicle that is parked in accordance with this ordinance upon a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle.

6.02.380 Exemption.

The provisions of this ordinance regulating the parking or standing of vehicles shall not apply:

- A. To a vehicle of the City, county or state or public utility while necessarily in use for construction, repair or other work on a street,
- B. A vehicle owned by the United States while in use for the collection, transportation or delivery of mail, or
- C. Vehicles of disabled persons who comply with the provisions of the Oregon Vehicle Code.

VI. PERMIT PARKING AREAS

VII. BICYCLES

VIII. PEDESTRIANS

UNIFORM TRAFFIC AND PARKING ORDINANCE

Beaverton Code 6.02.010 to 6.02.720 – Vehicles and Traffic

IX. PARADES

X. PARKING CITATIONS AND OWNER RESPONSIBILITY

6.02.700 Parking citation on illegally parked vehicle.

A. Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this chapter or state law, the parking enforcement officer finding the vehicle shall conspicuously affix to the vehicle a parking citation that clearly states:

1. The date, place, and nature of the charge.
2. The time and place for the person's appearance in court.
3. The name of the parking enforcement officer issuing the citation.
4. The license plate of the vehicle.

B. The parking citation shall instruct the person to answer to the charge or pay the penalty imposed within a specific number of days and during specific hours.

C. The parking citation shall contain a statement notifying the person that a judgment may be entered against the person up to the maximum amount of fines, assessments, and other costs allowed by law for the parking violation if the person does not pay the penalty imposed, or fails to appear at the time, date, and court specified in the parking citation, or fails to appear at subsequently-scheduled hearings in the matter.

D. The parking citation shall also contain a statement notifying the person that the person's vehicle is subject to a tow if there are four or more unpaid parking citations that have been issued to the same vehicle.

[BC 6.02.700, repealed and replaced by Ordinance No. 4742, 10/2/18]

6.02.710 Owner responsibility.

Every person in whose name a vehicle is registered shall be responsible for any parking violation of the provisions of this code. It shall be no defense that the vehicle was parked illegally by another unless proof is presented that said vehicle has been stolen and has not been returned to the registered owner by the date of the violation. The registered owner of a vehicle is not responsible for any parking violation if proof is presented that said vehicle has been sold prior to the date of the violation and not reregistered, in which case the purchaser shall be responsible.

[BC 6.02.710, amended by Ordinance No. 3327, 7/19/83; BC 6.02.710, repealed and replaced by Ordinance No. 4742, 10/2/18. Formerly 6.02.720]

6.02.720 Parking enforcement officers.

The city manager may authorize a person to issue parking citations on behalf of the city if the person agrees to enforce the City's ordinances and regulations relating to the parking of vehicles as a part of an organized program administered by the City. Such a person shall be considered a parking enforcement officer and shall have full authority to assist in the enforcement of the City's ordinances and regulations relating to parking, including but not limited to the issuance of parking citations.

[BC 6.02.720, added by Ordinance No. 3884, 2/14/94; amended by Ordinance No. 4258, 7/14/03; BC 6.02.720, repealed and replaced by Ordinance No. 4742, 10/2/18; amended by Ordinance No. 4794, 12/1/20. Formerly 6.02.750]

Strangulation Investigation Form.pdf



Strangulation Investigation Form

Method and/or Manner

How and where was the victim strangled?

☐ One Hand (R or L) ☐ Two Hands ☐ Forearm (R or L) ☐ Knee/Foot

☐ Ligature Used (Describe): _____ Taken as Evidence: ☐ Y ☐ N

☐ How Long? _____ Seconds _____ Minutes Smothered? ☐ Y ☐ N

From 1 to 10, how hard was the suspect's grip? (Low) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 (High)

From 1 to 10, how painful was it? (Low) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 (High)

☐ Multiple Attempts: _____ ☐ Multiple Methods: _____

Is the suspect **RIGHT** or **LEFT** handed?

What did the suspect say while strangling the victim, before and/or after?

Was the victim shaken simultaneously while being strangled? Straddled? Held against wall?

Was the victim's head being pounded against a surface?

What did the victim think was going to happen?

How or why did the suspect stop strangling the victim?

Description of the suspect's demeanor and face during strangulation.

Description of prior incidents of strangulation, prior domestic violence and prior threats.

Investigative Information

Photos or video of demonstration? ☐ Y ☐ N

Photos of scene? ☐ Y ☐ N

Photos of suspect? ☐ Y ☐ N

Photos of victim? ☐ Y ☐ N

Medical called? ☐ Y ☐ N

Unit # _____

HIPPA Signed? ☐ Y ☐ N

WCCCA Request? ☐ Y ☐ N

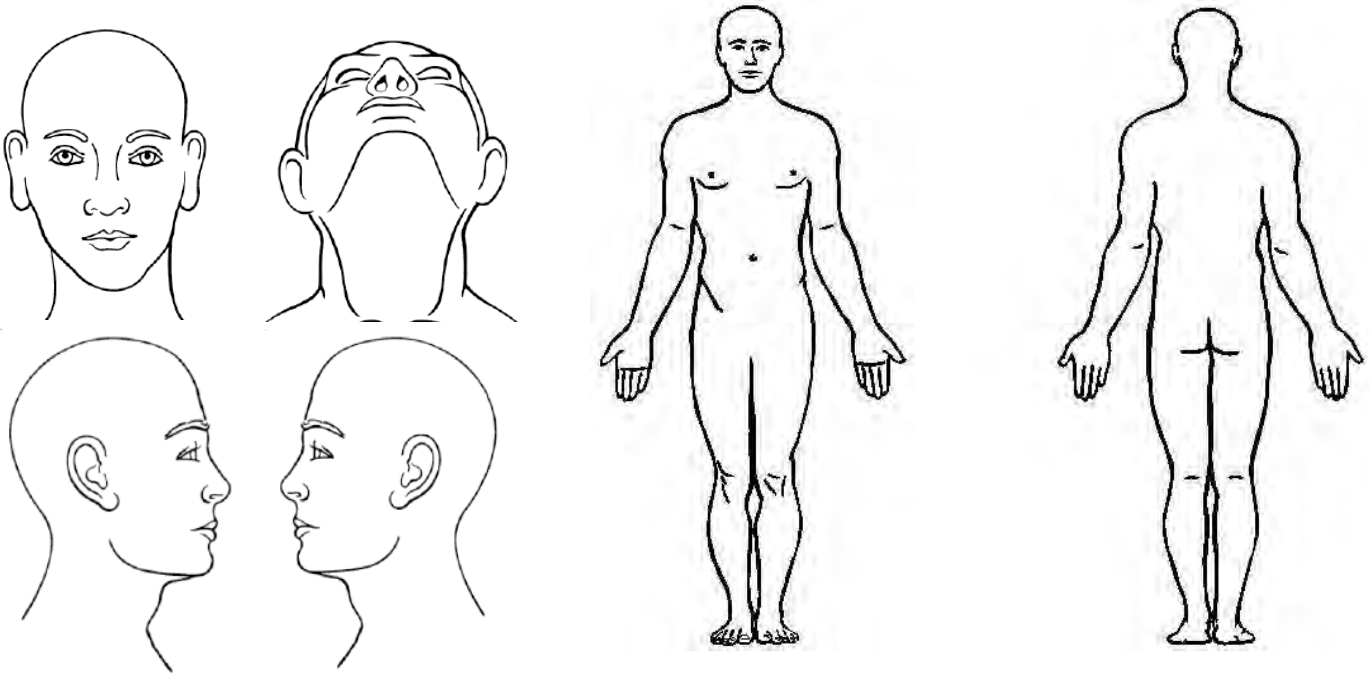
Neighbor Canvass? ☐ Y ☐ N

Documentation Chart for Strangulation Cases

Symptoms and/or Injury:

Breathing Changes	Voice Changes	Swallowing Changes	Behavioral Changes	Other
☐ Difficulty Breathing ☐ Hyperventilation ☐ Unable to breathe Other:	☐ Raspy voice ☐ Hoarse Voice ☐ Coughing ☐ Unable to speak	☐ Trouble Swallowing ☐ Painful to swallow ☐ Neck Pain ☐ Nausea/Vomiting ☐ Drooling	☐ Agitation ☐ Amnesia ☐ PTSD ☐ Hallucinations ☐ Combativeness	☐ Dizzy ☐ Headaches ☐ Fainted ☐ Urination ☐ Defecation

Use diagrams to mark visible injuries:



Face	Eyes & Eyelids	Nose	Ear	Mouth
☐ Red or Flushed ☐ Pinpoint red spots (petechiae) ☐ Scratch marks	☐ Petechiae to eyeball L R ☐ Petechiae to eyelid L R ☐ Bloody red eyeball L R	☐ Bloody Nose ☐ Broken Nose ☐ Petechiae	☐ Petechiae L R ☐ Bleeding from ear canal	☐ Bruising ☐ Swollen tongue ☐ Swollen lips ☐ Cuts/abrasions
Under Chin	Chest	Shoulders	Neck	Head
☐ Redness ☐ Scratch Marks ☐ Bruise(s) ☐ Abrasions	☐ Redness ☐ Scratch marks ☐ Bruise(s) ☐ Abrasions	☐ Redness ☐ Scratch marks ☐ Bruise(s) ☐ Abrasions	☐ Redness ☐ Scratch marks ☐ Finger Nail impressions ☐ Bruise(s) ☐ Swelling ☐ Ligature Mark(s)	☐ Petechiae on scalp ☐ Hair Pulled ☐ Bump(s) ☐ Bruise(s)

BPD DV Supplemental Report Form - Page 2.jpg

17. CASE NO	Beaverton Police Department	PAGE / OF 2 /				
DOMESTIC ASSAULT ASSESSMENT						
18. Before this time , have the police ever responded because A1 was assaulting VI (or threatening with a weapon) VI's children, A1's children, or A1's former partner?		☐ Yes ☐ No				
19. Before this time , have police ever responded to deal with A1 for any other kind of violence?		☐ Yes ☐ No				
20. Before this , has A1 ever been sentenced to prison or jail for at least 30 days, even if A1 didn't serve the whole time?		☐ Yes ☐ No				
21. Has A1 ever had jail, probation, parole, or a no-contact, AND disobeyed the conditions? (PROMPT: fail to turn up, breach probation, break the law again, violate the "no-contact" order)		☐ Yes ☐ No				
22. This time , did A1 threaten to harm or kill VI or anyone else?		☐ Yes ☐ No				
23. This time , did A1 do anything to prevent VI from leaving the location? (PROMPT: lock the doors, take VI's car keys, hold onto VI)		☐ Yes ☐ No				
24. Is VI concerned that A1 will assault VI or the children in the future?		☐ Yes ☐ No				
25. How many children does VI have? (include minor or adult children: biological, step or adopted; living anywhere)						
Does VI have any children from relationships before this partner?		☐ Yes ☐ No				
26. Is A1 violent to people other than VI and the children? (PROMPT: fights with, hits, even if no police respond)		☐ Yes ☐ No				
SUBSTANCE ABUSE	Did A1 consume alcohol immediately before or during the index incident	☐ Yes ☐ No				
	Did A1 use drugs immediately before or during the index incident	☐ Yes ☐ No				
	Did A1 abuse drugs and/or alcohol in the days or weeks, prior to index incident?	☐ Yes ☐ No				
	Did A1 noticeably increase his/her abuse of drugs and/or alcohol in the days or weeks, prior to index incident?	☐ Yes ☐ No				
	Has A1 been more angry or violent when using drugs and/or alcohol prior to the index incident?	☐ Yes ☐ No				
	Has A1 consumed alcohol before or during a criminal offense prior to the index incident?	☐ Yes ☐ No				
	Has A1's alcohol use prior to the index but since age 18 resulted in some problems or interference in A1's life?	☐ Yes ☐ No				
	Has A1's drug use prior to the index but since age 18 resulted in some problems or interference in A1's life? (PROMPT: for "problems" THAT HAPPEN AS A RESULT OF SUBSTANCE ABUSE: financial problems, job loss or job problems, loss of relationships or relationship problems, trouble with the law, health problems, withdrawal symptoms, or inability to stop or decrease use)	☐ Yes ☐ No				
27. Has A1 ever assaulted VI when she was pregnant?		☐ Yes ☐ No				
SUPPORT	Does VI have children at home aged 18 or under?	☐ Yes ☐ No				
	Does VI live in a home with no phone?	☐ Yes ☐ No				
	Does VI live where there is no access to transportation? (PROMPT: no bus, no money for taxi, partner takes vehicle; if VI has no access score as "yes")	☐ Yes ☐ No				
	Does VI live in a home with no people living close by? (If VI feels geographically isolated score as "yes")	☐ Yes ☐ No				
	Did VI consume alcohol or drugs just before or during the index incident, or does VI have a history of alcohol or drug abuse?	☐ Yes ☐ No				
CHILDREN / ADDITIONAL WITNESSES						
28. CODE	29. NAME: LAST FIRST MIDDLE	30. ID - DL# / STATE	31. CRN	32. SEX	33. RACE	34. DOB
35. HOME ADDRESS (Include zip code) PRIMARY LANGUAGE:		Resides with: ☐ VI ☐ A1	36. ☐ HOME ☐ CELL	37. HT	38. WT	39. HAIR 40. EYES
41. BUSINESS / SCHOOL ADDRESS EMAIL ADDRESS:			42. WORK HOURS	43. ☐ WORK ☐ CELL		
44. EXPOSURE TO INCIDENT ☐ Physically Involved ☐ Witnessed ☐ In Immediate Presence ☐ Not Present ☐ Unknown			45. INJURED ☐ No ☐ Yes ☐ Unk		46. PROTECTIVE CUSTODY? ☐ No ☐ Yes	
47. REALTIONSHIP WITH VI			48. RELATIONSHIP WITH A1			
49. CODE	50. NAME: LAST FIRST MIDDLE	51. ID - DL# / STATE	52. CRN	53. SEX	54. RACE	55. DOB
56. HOME ADDRESS (Include zip code) PRIMARY LANGUAGE:		Resides with: ☐ VI ☐ A1	57. ☐ HOME ☐ CELL	58. HT	59. WT	60. HAIR 61. EYES
62. BUSINESS / SCHOOL ADDRESS EMAIL ADDRESS:			63. WORK HOURS	64. ☐ WORK ☐ CELL		
65. EXPOSURE TO INCIDENT ☐ Physically Involved ☐ Witnessed ☐ In Immediate Presence ☐ Not Present ☐ Unknown			66. INJURED ☐ No ☐ Yes ☐ Unk		67. PROTECTIVE CUSTODY? ☐ No ☐ Yes	
68. REALTIONSHIP WITH VI			69. RELATIONSHIP WITH A1			
70. REPORTING OFFICER /		71. DPSST # /	72. PREC/DIV /	73. SHIFT/DIST /	74. SUPV. INT/DPSST	

Beaverton Police Department Policy Manual

Policy Manual

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