

# St. Helens Police Department

St Helens Police Department Policy Manual

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## **PREFACE AUGUST 2020 MANUAL**

This Manual of Policy and Procedures marks a significant step forward in our preparation and presentation of directives designed to guide and control the decisions and actions taken by Department employees.

Our partnership with Lexipol, LLC has resulted in a Manual of Policy and Procedures that is not only custom-tailored for the unique needs and conditions that are present in the Department, but also shares a large amount of commonality between our agency and many others in the West. In addition, Lexipol will provide annual review and updates to the manual so that it stays current and specific to the State of Oregon.

All policies and directives are designed to support the vision, mission and values of the Department. As with all directive manuals, there is no way to anticipate every situation that may arise and to prescribe a specific course of action in every scenario. The employees and volunteers of the Department are well equipped to use common sense, understanding and good judgment in the delivery of services.

It is also a matter of professional and personal integrity that requires all employees and volunteers to adhere to the directives contained in this manual. Supervisors must be diligent in ensuring subordinate adherence to directives.

Supervisors must solicit and provide input regarding these new policies and procedures. All employees have a responsibility to make suggestions to ensure that all policies and practices are realistic and practical.

This manual will continue to evolve and improve for the continued effectiveness of the department and all of its members.

Brian Greenway

Chief of Police

# St. Helens Police Department

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## **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 God to my chosen profession.

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## **MISSION STATEMENT**

The mission of the St. Helens Police Department is to work with all citizens to make our city a place where people live safely, and to promote individual responsibility and community commitment.

Professionalism: Through strong leadership and continuous training we will strive to serve as role models for the community.

Integrity: Our actions will demonstrate the highest ethical standards, and we will accept full responsibility for our actions.

Respect: We recognize our differences and will treat others with dignity and compassion.

Fairness: Our decisions will be objective and based on common sense. They will also be balanced, moral, legal and without prejudice.

## **OUR VISION**

To provide professional police services that will secure the public trust and keep our neighborhoods safe and free of crime.

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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 St. Helens Police Department to perform their functions based on established legal authority.

### 100.2 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.

#### 100.2.1 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 2020 Oregon Laws c. 3, § 7, 2020 Oregon Laws c. 3, § 8, 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.
- (g) A person may not be arrested for a violation except as provided by ORS 153.039 and ORS 810.410.

### 100.3 CONSTITUTIONAL REQUIREMENTS

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

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## *Law Enforcement Authority*

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### **100.4 POLICY**

It is the policy of the St. Helens 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.

### **100.5 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).

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## 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 and dispatchers 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 and dispatchers 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 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 support the Constitution of the United States, and the Constitution of the State of Oregon, and the laws thereof and rules and regulations of the St. Helens Police Department, and I will faithfully, honestly and impartially discharge the duties of (position about to assume) during my continuance therein, to the best of my ability, so help me God."

If a member is opposed to taking an oath, he/she shall be permitted to substitute the word "affirm" for the word "swear," and the words "so help me God" may be omitted.

#### 102.2.1 CRIMINAL JUSTICE CODE OF ETHICS

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

#### 102.2.2 MAINTENANCE OF RECORDS

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

### 102.3 POLICY

It is the policy of the St. Helens 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.

# Policy Manual

## 103.1 PURPOSE AND SCOPE

The manual of the St. Helens 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.

### 103.1.1 DISCLAIMER

The provisions contained in this 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 St. Helens 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 employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The St. Helens Police Department reserves the right to revise any policy content, in whole or in part.

## 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 St. Helens 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 St. Helens Police Department reserves the right to revise any policy content, in whole or in part.

### 103.2.2 STAFF

Staff shall consist of the following:

- Police Support Specialist
- Code Enforcement Officer

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- Police Officer
- Detective
- Sergeant
- Lieutenant
- Chief of Police

### **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 or the authorized designee is authorized to issue Interim Directives, which shall modify those provisions of the manual to which they pertain. Interim Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

### **103.4 DEFINITIONS**

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

**Adult** - Any person 18 years of age or older.

**CFR** - Code of Federal Regulations.

**City** - The City of City of St. Helens.

**Non-sworn** - Employees and volunteers who are not sworn peace officers.

**Department/SHPD** - The St. Helens Police Department.

**DHS** - Department of Human Services.

**DMV** - The Department of Motor Vehicles.

**Employee/personnel** - Any person employed by the Department.

**Manual** - The St. Helens Police Department Policy Manual.

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person employed or appointed by the St. Helens Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Non-sworn employees
- Volunteers

**OAR** - Oregon Administrative Rules (Example: OAR 259-008-0060).

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**ORS** - Oregon Revised Statutes (Example: ORS 153.039).

**OSP** - The Oregon State Police.

**Officer/sworn** - Those employees, regardless of rank, who are sworn peace officers employees of the St. Helens Police Department.

**On-duty** - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**Rank** - The title of the classification held by an officer.

**Shall or will** - Indicates a mandatory action.

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

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

**USC** - United States Code.

### **103.5 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 he/she has been provided access to, and has had the opportunity to review the Policy Manual and Interim Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

### **103.6 PERIODIC REVIEW OF THE POLICY MANUAL**

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

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### **103.7 REVISIONS TO POLICIES**

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 he/she has 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 Sergeant will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Sergeant, who will consider the recommendations and forward them to the command staff as appropriate.



## 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 St. Helens 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 St. Helens Police Department that the Chief of Police meets the minimum standards for exercising his/her 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

The Chief of Police is responsible for administering and managing the St. Helens Police Department. There are three divisions in the Department as follows:

- Administrative
- Operations
- Detective

#### 200.2.1 ADMINISTRATIVE

The Administration Division is commanded by the Chief of Police and the Lieutenant whose primary responsibility is to provide general management direction and control for the Administration Division.

#### 200.2.2 OPERATIONS

The Operations Division commanded by a Lieutenant and Sergeants whose primary responsibility is to provide general management direction and control for that Division. The Operations Division consists of Uniformed Patrol and Special Operations, which includes, Traffic, School Resource Officer, and Code Enforcement.

#### 200.2.3 DETECTIVE

The Detective Division is commanded by the Lieutenant whose primary responsibility is to provide general management direction and control for the Detective Division. The Detective Division consists of the Investigations, Narcotics Enforcement and Property and Evidence.

### 200.3 COMMAND PROTOCOL

#### 200.3.1 ORGANIZATIONAL CHART

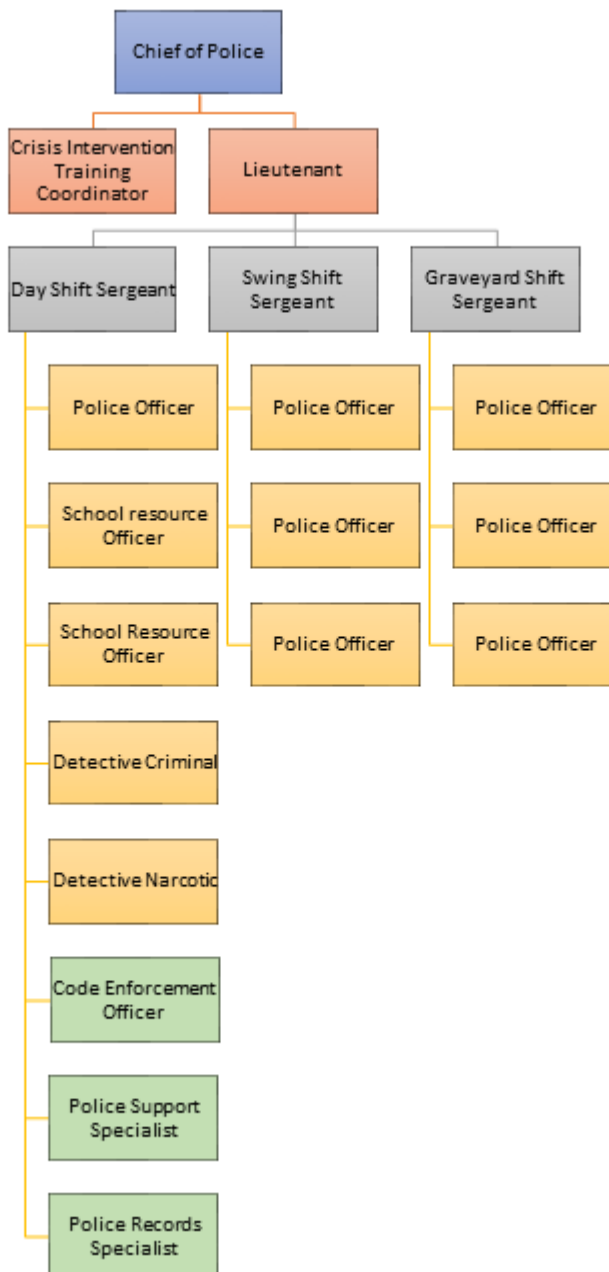
The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate the department Lieutenant to serve as the acting Chief of Police. In the absence of both the Chief and the Lieutenant, the order of command authority will flow from the most senior Sergeant to the least senior Sergeant.

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### Organizational Structure and Responsibility

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#### 200.3.2 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. K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

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## *Organizational Structure and Responsibility*

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### **200.3.3 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.

### **200.3.4 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 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.

### **200.4 ACCOUNTABILITY**

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

## Emergency Operations Plan

### 201.1 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 City of St. Helens Emergency Operations Plan.

### 201.2 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.

#### 201.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the St. Helens 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.

### 201.3 LOCATION OF MANUALS

The manual for the employees is available in Administration and the Patrol Sergeant's office. All supervisors should familiarize themselves with the Emergency Operations Plan and what roles police personnel will play when the plan is implemented.

### 201.4 BUILDING EVACUATION PLAN

In the event of a disaster or emergency which requires evacuation of the police building, all employees 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.

### 201.5 UPDATING OF MANUALS

The Chief of Police or the authorized designee should 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

### 202.1 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.

### 202.2 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).

### 202.3 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.

### 202.4 TRAINING PLAN

A training plan will be developed and maintained by the Lieutenant. It is the responsibility of the Lieutenant 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

### 202.5 TRAINING NEEDS ASSESSMENT

The Training Division will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

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## St Helens Police Department Policy Manual

### Training

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#### **202.6 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. First choice vacation.
  - 3. Sick leave.
  - 4. Physical limitations preventing the employee's participation.
  - 5. Emergency situations.
- (b) When an employee is unable to attend mandatory training, that employee shall:
  - 1. Notify his/her supervisor as soon as possible, but no later than at least one hour prior to the start of training.
  - 2. Document his/her absence in a memorandum to his/her supervisor.
  - 3. Make arrangements through his/her supervisor and the Lieutenant to attend an alternate date.
- (c) PoliceOne Academy Training Program
  - 1. Officers are encouraged to use this program on a frequent basis.
  - 2. Upon completion of a PoliceOne Academy course, officers will submit the course certificate verifying completion of the course, along with a completed F-6 Training Roster to their sergeant for approval.
  - 3. The sergeant will be responsible for submitting the F-6 Training Roster to DPSST in a timely manner.

#### **202.7 TRAINING COSTS**

It is the responsibility of the Lieutenant to determine when the St. Helens 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.

#### **202.8 DAILY TRAINING BULLETINS**

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the St. Helens Police Department policy manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Lieutenant.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Lieutenant . Personnel should not share their password with others and should frequently



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## St Helens Police Department Policy Manual

### *Training*

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change their password to protect the security of the system. After each session, employees should logoff the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of this agency.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

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## Electronic Mail

### 203.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the department'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 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 must only be 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.

### 203.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its email system or that is stored on any department system. Likewise, employees are prohibited from receiving, sending or storing email messages in personal files. The Department 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.

### 203.3 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 are only to be used for official business related items that are of particular interest to all users. 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.

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St Helens Police Department Policy Manual

## *Electronic Mail*

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### **203.4 EMAIL RECORD MANAGEMENT**

Email may, depending upon the individual content, be a public record under the Oregon Public Records Law and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

## **Administrative Communications**

### **204.1 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.

### **204.2 MEMORANDUMS**

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

#### **204.2.1 INFORMATIONAL MEMOS**

The Chief of Police may issue memoranda to department personnel from time to time for the purpose of disseminating information to the members.

### **204.3 CORRESPONDENCE**

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

### **204.4 SURVEYS**

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

### **204.5 E-MAIL COMMUNICATIONS**

Department Directives, Personnel Orders and informational memos may be transmitted by either hard copy or e-mail. Members are required to check e-mail messages at least once per shift when on-duty.

## Staffing Levels

### **205.1 PURPOSE AND SCOPE**

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.

### **205.2 MINIMUM STAFFING LEVELS**

The supervisor will ensure that at least two officers are deployed during each watch.

#### **205.2.1 SUPERVISION DEPLOYMENTS**

In order to accommodate training and other unforeseen circumstances, an Officer may be used as a field supervisor instead of a sergeant, subject to conditions in the collective bargaining agreement.

## Concealed Handgun License

### **206.1 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

### 207.1 PURPOSE AND SCOPE

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

### 207.2 POLICY

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

### 207.3 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 an officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 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 he/she is 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.

#### 207.3.1 IDENTIFICATION CARD FORMAT

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

If the St. Helens Police Department qualifies the former officer, the LEOSA identification card or separate certification 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.

#### 207.3.2 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 him/her as having been employed as a law enforcement officer, and one of the following:
  1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

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## *Retiree Concealed Firearms*

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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.

2. 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 his/her property if such prohibition is permitted by Oregon law.

### **207.4 FORMER OFFICER RESPONSIBILITIES**

A former officer with a card issued under this policy shall immediately notify the Patrol Sergeant of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.

#### **207.4.1 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 his/her 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 he/she is not prohibited by law from receiving or possessing a firearm.

### **207.5 DENIAL, SUSPENSION OR REVOCATION**

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

### **207.6 FIREARM QUALIFICATIONS**

The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the



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## *Retiree Concealed Firearms*

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date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

## Disposal of Grant-Funded Equipment

### 208.1 DISPOSAL PROCESS FOR GRANT-FUNDED EQUIPMENT

Equipment obtained through a grant process or purchased using grant funds require specific direction from the grantor before disposal. Once the determination has been made to dispose of equipment obtained as described, the following steps should be taken prior to actual disposal;

**Determine Value of the Equipment** - The estimated value of the equipment at the time of intended disposal should be determined. This determination should be made using whatever resources might be available, for example the vendor of similar equipment might be able to determine value.

**Notify Grantor** - The Chief of Police or designee should communicate with the grantor of the funds that purchased the equipment and advise them of the intended disposal and value of the equipment. The grantor may direct the return of the equipment to the grantor or direct disposal methods or options.

**Disposal** - Disposal of the equipment should be in the manner specified by the grantor. Proper documentation of the disposal must be made, including such things as sale price, ultimate recipient or manner of destruction, and should be made in an official record of the disposal. All records pertaining to the disposal of the equipment should be copied to the grantor and retained for a period of five years.

### **209.1 SHIFT ROSTER REPORT**

Prior to the beginning of each shift, the Patrol Sergeant will be responsible to complete the “Shift Roster Report” identifying the St. Helens Police Department operational personnel who are working for the shift. If a Patrol Sergeant is not working, the senior officer will be responsible for completing and emailing the Shift Roster Report.

The purpose of the Shift Roster Report is to communicate the available St. Helens Police Department resources working that shift and everyone is accounted for upon securing their shift. The Shift Roster Report and accompanying email will be accurate and professional.

The Shift Roster Report will be saved to the “Shift Roster” file folder located on the (S:) drive, which is located here: \\shpdnas\Shared\Shift Rosters and Reports. Once completed and saved, it will be emailed to the “Police Department Group” and Dispatch@columbia911.com prior to the beginning of the shift.

### **209.2 SHIFT ACTIVITY REPORT**

At the end of each shift, the Patrol Sergeant will be responsible to document all noteworthy events on a “Shift Activity Report.” If no noteworthy events occurred during the respective shift, a blank Shift Activity report will be completed and attached to the email identifying the report is blank. For example “Nothing to Report, Blank Report Attached.” If a Patrol Sergeant is not working, the senior officer will be responsible for completing the Shift Activity Report.

Examples of noteworthy events are:

- Items that may generate high media interest
- Significant or high-profile events, such as the arrest of a well-known celebrity, political or public figure
- When the seriousness and/or significance of an employee related incident rises to a level requiring notification through the chain of command, this will be accomplished through telephonic contact and/or email notification as necessary.
- Call with significant injuries
- Officer safety information
- General information to be disseminated as a result of the shift’s activity
- SIU call out
- Subject shot
- Homicides
- Stranger Sexual Assaults
- Stabbings with significant or serious bodily injury (Serious bodily injury is defined as a bodily injury that creates a substantial risk of death, causes serious, permanent

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disfigurement or results in a prolonged loss or impairment of the functioning of any bodily member or organ.)

- Serious injury or fatal traffic accidents
- Robberies
- Burglaries
- Pursuits
- Any time an officer leaves the jurisdiction, to include the supervisor who approved the request, unless justified per policy
- Any crime that involves a series or spree
- Gang related incidents

When writing a Shift Activity Report, remember the 5-C's of good reporting. These are:

- **Clear** – The input must be clear to the reader who may not be familiar with the incident. Avoid the use of acronyms and abbreviations. Use plain language writing styles.
- **Concise** – The input must be concise. Don't make the input wordy or try to fill space. Say what you have to say and leave it at that.
- **Complete** – The input must be complete and not lead you to open questions. It is very important that you paint an accurate picture of what has taken place.
- **Current** – The input must contain current information that covers the last reporting period.
- **Critical** – The input must deal with critical events and activities.

The Shift Activity Report and accompanying email will remain professional and contain objective information. Information will be vetted for legitimacy prior to being emailed out. Rumors, innuendos or humor will not be tolerated.

The Shift Activity Report will be saved to the "Shift Activity Report" file folder on the (S:) drive, which is located here: [\\shpdnas\Shared\Shift Rosters and Reports](#). Once completed and saved, the report will be emailed to the "Police Department Group" prior to securing for the shift. There are many people who have access to the Shift Activity Reports and not all of them have a need to know sensitive information. Therefore, do not place any information regarding an employee in the report.

The Shift Activity Report will NOT be emailed to C-Com.

## **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 Conducted Energy Device policies.

### 300.1.1 DEFINITIONS

Definitions related to this policy include;

**Deadly force** – Means physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury.

**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 him/herself to be searched, escorted, handcuffed or restrained.

**Objectively Reasonable** - This definition comes from the Supreme Court Case *Graham v. Connor*. It states that objectively reasonable is an objective standard of force viewed from the perspective of a reasonable officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances presented to the officer at the moment the force is used. There are also four factors that are addressed in this case that are used to determine whether an officer's use of force is objectively reasonable.

WHETHER THE SUSPECT POSES AN IMMEDIATE THREAT TO THE SAFETY OF THE OFFICERS OR OTHERS.

SEVERITY OF THE CRIME

WHETHER HE/SHE IS ACTIVELY RESISTING.

WHETHER THE SUSPECT IS ATTEMPTING TO EVADE ARREST BY FLIGHT.

## 300.2 POLICY

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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.

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

Any Officer present and observing another officer, regardless of which agency that officer is employed, using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when safe to do so, intervene to prevent the unreasonable use of force. The duty to intervene shall be regardless of rank, seniority, or standing within the department. An officer who observes another officer using unreasonable force shall promptly report the observations to a supervisor. If a supervisor is the one observed using unreasonable force, then that officer shall report it to the Lieutenant. The report should be made to the supervisor as soon as practical, but no later than 72 hours after the misconduct was witnessed.

Any officer who intervenes in an unreasonable use of force shall not be discriminated against or retaliated upon.

#### 300.2.2 DE-ESCALATION

An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force. Clearly, not every potential violent confrontation can be deescalated, but, officers shall use de-escalation techniques as a strategy to diminish the likelihood and the severity of force as long as such techniques do not put the officer or general public in unnecessary danger. De-escalation techniques do not take the place of proper planning, communication, coordination, and allocation of resources.

Whenever possible and when such delay will not compromise the safety of the officer or another, and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used when the objectionably reasonable standard is employed.

Within the context of de-escalation techniques an officer may decide that it is in the best interests of all parties to walk away from a situation. Several factors need to be analyzed before such a decision is made, including but not limited to, the danger to the general public, the future danger to the public that the subject may present, the danger to the officer, and any future danger to

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the officer that the subject may present. However, we recognize that an officer is not statutorily required to retreat.

- (a) Officers shall use de-escalation techniques, when time and circumstances reasonably permit. De-escalation techniques provide members the opportunity to stabilize the scene or reduce the necessity for or intensity of force so that more time, options and resources are available to resolve the confrontation. Officers shall take proactive steps to eliminate the immediacy of the threat, establish control and minimize the need for force.
- (b) De-escalation techniques include, but are not limited to:
  - 1. using verbal techniques to calm an agitated subject and promote rational decision making;
  - 2. allowing the subject appropriate time to respond to direction;
  - 3. communicating with the subject from a safe position using verbal persuasion, advisements, or warnings;
  - 4. decreasing exposure to a potential threat by using distance, cover, or concealment;
  - 5. placing barriers between an uncooperative subject and an officer;
  - 6. ensuring there are an appropriate number of members on scene;
  - 7. containing a threat;
  - 8. moving to a safer position; and
  - 9. avoiding physical confrontation, unless immediately necessary.
- (c) When practical and appropriate, officers should consult with and/or call specialized individuals to respond, including but not limited to those related to behavioral health, tactics and/or negotiation, to assist in de-escalating the situation or devising a disengagement strategy or otherwise assist in safely resolving the incident.
- (d) To avoid confusion, officers shall establish and maintain one-on-one communication with the subject and avoid giving simultaneous directions or having multiple officers verbally engaging the subject.
- (e) Officers shall consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:
  - 1. medical conditions;
  - 2. mental impairment;
  - 3. developmental disability;
  - 4. physical limitation;
  - 5. language barrier;
  - 6. drug or alcohol impairment; and
  - 7. mental health crisis.



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#### 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. If safe to do so a warning should be given prior to using any force.

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 the Department. Officers may find it more effective or reasonable to improvise their response to rapidly 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 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 (2020 Oregon Laws c. 3, § 7):

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

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#### 300.3.2 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 (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness; de-escalation.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for injury to officers, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

#### 300.3.3 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 person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

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

#### 300.3.4 RESTRICTIONS ON USE OF CHOKE HOLDS, STRANGLEHOLDS, AND CAROTID RESTRAINTS.

It is not reasonable under any circumstance for a peace officer or corrections officer to 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 peace officer may use deadly physical force as provided in ORS 161.239] except in circumstances in which physical force is justified under ORS 161.209 and 161.215.

If an officer does intentionally impede the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of another person, in a deadly force situation, that officer shall, to the best of his/her ability, continually monitor the individual while the hold is being applied. The hold shall only be applied until the officer no longer believes the circumstance warrants deadly physical force. The hold shall immediately be discontinued if the subject loses consciousness, and medical personnel shall immediately be summoned.

Nothing in this policy is intended to convey that an officer must apply the hold until a subject loses consciousness.

#### 300.3.5 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 shall not intentionally use any technique that restricts blood flow to the head, restricts respiration 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 St. Helens Police Department for this specific purpose.

#### 300.3.6 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) (2020 Oregon Laws c. 3, § 7; 2020 Oregon Laws c. 3, § 8).

#### 300.3.7 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 (2020 Oregon Laws c. 3, § 7; 2020 Oregon Laws c. 3, § 8).

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#### 300.3.8 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold.

#### **300.4 DEADLY FORCE APPLICATIONS**

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself 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 (2020 Oregon Laws c. 3, § 8):

- (a) An officer may use deadly force to protect him/herself or others from what he/she 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 are rarely effective. Officers should 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.

Officers are prohibited from intentionally positioning themselves in the path of a moving vehicle.

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Officers shall consider whether the threat to the officer or other persons (including all vehicle occupants) is increased by incapacitating the vehicle operator. If the operator is incapacitated, the unguided vehicle may remain a threat to anyone in its path. Officers shall weigh the threat of incapacitating the driver against the threat posed by allowing the driver to maintain control of the vehicle.

Officers must be aware that shooting at a moving vehicle presents unique challenges of target and backstop.

Members must be aware that shooting from a moving vehicle creates additional challenges of stability and aiming that must be considered in the decision to employ deadly force.

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, or threatened use of force, by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The officer shall articulate the factors perceived and why he/she 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.

##### **300.5.1 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) Any techniques or applications that fall within serious physical control or above were used.
- (i) An individual alleges unreasonable force used by any officer.
- (j) An individual alleges any of the above has occurred.

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#### **300.6 MEDICAL CONSIDERATIONS**

When safe to do so, officers shall render emergency first aid within the limits of their individual skills, training and available equipment until professional medical care providers arrive on the scene.

- The officer shall continually monitor the person for changes in skin or lip color, breathing and levels of consciousness. If the individual's condition deteriorates, the member shall immediately notify Emergency Medical Services (EMS).
- If a person complains of or appears to be experiencing respiratory distress (e.g., positional asphyxia), officers shall perform the following as soon as practical:
- If a officer's body weight is impeding a subject's breathing, the officer shall remove their body weight.
- Summon EMS.
- Check and continue to monitor the person's breathing and pulse until EMS arrives.
- If medically appropriate, place the person in a seated position or position the person on their side/upright to facilitate breathing.

When any force is used on a person suffering or perceived to be suffering from excited delirium (before, during or after the application of force), officers shall summon EMS to the scene officers shall ensure the subject is examined at the scene. If in custody and EMS recommends transport, the subject will be transported to the hospital. If not in custody, and EMS declares the individual mentally competent, the individual can refuse treatment and transport.

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Any individual should be placed into a recovery position that does not restrict breathing or obstruct the airway, i.e., a seated position, on their side or upright.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the 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 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 be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain

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(sometimes called “excited delirium”), 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 if appropriate.

#### **300.7 SUPERVISOR RESPONSIBILITIES**

A supervisor shall respond to an incident in which there has been a reportable application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers, including asking questions from the Public Safety Statement Card. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her 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 that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. 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.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
  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.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

##### **300.7.1 PATROL SERGEANT RESPONSIBILITY**

The Patrol Sergeant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

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#### **300.8 TRAINING**

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

#### **300.9 USE OF FORCE ANALYSIS**

At least annually, the Patrol Lieutenant should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. 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



## Use of Force Review

### 301.1 PURPOSE AND SCOPE

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

### 301.2 INCIDENT REVIEW

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

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

#### 301.2.1 INVOLVED OFFICERS

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

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

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

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

#### 301.2.2 INCIDENT REVIEW PROTOCOL

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

All instances of use of force that meet the criteria for inclusion on a department USE OF FORCE report form will be submitted, through channels, for review by training officers and administration.

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Procedures for this review, as set forth in the Field Reporting Manual, Use Of Force section, will be followed.

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

#### 301.2.3 COMPOSITION OF THE BOARD

The Use of Force Review Board normally would include Lieutenants and Sergeants. The Chief of Police will designate the number of board members and designate a member of the Board to serve as chairperson.

The chairperson will convene the board as necessary. The board chairperson will also ensure that all relevant reports, documents, and materials are available for consideration and review by the board.

#### 301.2.4 RESPONSIBILITIES OF THE BOARD

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

The review shall be based upon those facts which are reasonably believed by the officer at the time, applying legal requirements, department policy and procedures, and approved training, to those facts. Facts later discovered but unknown to the officer at the time, can neither justify nor condemn an officer's decision regarding use of force.

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

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

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

Once the board has reached its specific finding, or if the Chief of Police determines that review by a Use of Force Review Board will not be required, the Lieutenant may consult with the department training officer responsible for training for the type of force used in this incident, to address training needs and recommendations for the department without specific reference to the facts of the incident considered by the Board.

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### **301.3 ANNUAL REVIEW**

An annual review will be conducted on all use of force incidents. The purpose of the review will be to examine use of force incidents which may be useful in identifying department policy and/or training needs. The annual review will be conducted by the Lieutenant and Supervisors.

## Deadly Force Review

### 302.1 PURPOSE AND SCOPE

This policy establishes a process for the St. Helens 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.

### 302.2 POLICY

The St. Helens 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.

### 302.3 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 very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

### 302.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious 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 or recreational use.

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

The Lieutenant will convene the Use of Force Review Board as necessary. It will be the responsibility of the supervisor of the involved employee to notify the Training Sergeant of any incidents requiring board review. The involved employee's supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

#### 302.4.1 COMPOSITION OF THE BOARD

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

- Representatives of each section
- Commanding officer in the involved member's chain of command
- Lieutenant

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- Non-administrative supervisor
- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same section as the involved employee will serve as chairperson.

### 302.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

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.

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.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

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

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 .

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The Chief of Police 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. The Chief of Police's final findings will be forwarded to the involved employee's supervisor for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

## Handcuffing and Restraints

### 303.1 PURPOSE AND SCOPE

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

### 303.2 POLICY

The St. Helens 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.

### 303.3 USE OF RESTRAINTS

Only members who have successfully completed St. Helens 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.

#### 303.3.1 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.

#### 303.3.2 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.

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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.

#### **303.3.3 RESTRAINT OF JUVENILES**

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

#### **303.3.4 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.

#### **303.4 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, 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.

#### **303.5 APPLICATION OF SPIT HOODS**

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or 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 bite or 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.



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Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid commingling those wearing 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 capsicum (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.

### **303.6 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.

### **303.7 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 his/her own actions (e.g., hitting his/her 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).

#### **303.7.1 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 his/her 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 his/her 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 restrained person should be accompanied by an officer when requested by medical personnel. 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).

#### **303.8 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.

## Control Devices and Techniques

### 304.1 PURPOSE AND SCOPE

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

### 304.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the St. Helens Police Department authorizes officers to use control devices 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.

### 304.3 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.

### 304.4 RESPONSIBILITIES

#### 304.4.1 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.

#### 304.4.2 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. Notification via e-mail shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

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### **304.5 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. 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.

### **304.6 TEAR GAS GUIDELINES**

Tear gas may be used for crowd control, crowd dispersal, or against barricaded suspects based on the circumstances.

Only the Patrol Sergeant, Incident Commander, or Crisis Response Unit 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.

### **304.7 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.

#### **304.7.1 OC SPRAY**

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. 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.

#### **304.7.2 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.

### **304.8 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 clean up will be at the owner's expense.

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Information regarding the method of notice and the individuals notified should be included in related reports.

### **304.9 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.

#### **304.9.1 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 his/her 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 him/herself 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.

#### **304.9.2 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.

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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 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.

### **304.9.3 SAFETY PROCEDURES**

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not in use, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

### **304.10 TRAINING FOR CONTROL DEVICES**

The Lieutenant shall ensure that 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 as necessary.

- (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.
- (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.

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### **304.11 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.

### **304.12 CROWD CONTROL GUIDELINES**

Tear gas (e.g., OC, CS, similar chemicals that accomplish the same effect) administered by shell, cartridge, or explosive device shall not be used for crowd control except in circumstances that constitute a riot. A riot is when a person commits the crime of riot if while participating with five or more other persons, the person engages in tumultuous and violent conduct and thereby intentionally or recklessly creates a grave risk of causing public alarm (ORS 166.015; 2020 Oregon Laws, c.8, § 1).

Prior to the deployment of tear gas under these circumstances, [officers\_deputies] shall, in the following order (2020 Oregon Laws, c.8, § 1):

- (a) Announce the intent to use tear gas,
- (b) Allow sufficient time for individuals to evacuate the area, and
- (c) Announce for a second time, immediately before usage, the intent to use tear gas.

## Conducted Energy Device

### 305.1 PURPOSE AND SCOPE

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

### 305.2 POLICY

The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

### 305.3 ISSUANCE AND CARRYING EMDTDEVICES

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 the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicle.

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 in a weak-side holster on the side opposite the duty weapon.

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.
- (c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the TASER device at the same time.

### 305.4 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.



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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 his/her 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.

### **305.5 USE OF THE EMDTDEVICE**

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator 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.

#### **305.5.1 APPLICATION OF THE EMDTDEVICE**

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.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

#### **305.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options 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. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.

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- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

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

#### 305.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass 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 probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

#### 305.5.4 MULTIPLE APPLICATIONS OF THE EMDTDEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple 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.

Officers should generally not intentionally apply more than one TASER device at a time against a single subject.

#### 305.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence.

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The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

### 305.5.6 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.

### 305.5.7 TASER® CAM™

The TASER CAM is activated any time the safety is in the off position. The safety should be in the safe position unless the officer intends to use the device. Because the TASER CAM memory is limited, the video and audio data should be downloaded frequently and retained as required by the department records retention schedule.

### 305.5.8 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.

## **305.6 DOCUMENTATION**

Officers shall document all TASER device discharges in the related arrest/crime report and the TASER device report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

### 305.6.1 EMDTDEVICE FORM

Items that shall be included in the TASER device report form are:

- (a) The type and brand of TASER device and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the TASER device was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.

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- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Lieutenant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Lieutenant should also conduct audits of data downloads and reconcile TASER device report forms with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

### 305.6.2 REPORTS

The officer should include the following in the arrest/crime 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

### 305.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only 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.

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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.

### **305.8 RETENTION OF TASER PROBES**

Taser Probes will be treated as a bio-hazard and will be retained as evidence by re-inserting them (point down) into the discharged air cartridge and covering with bio-hazard tape and securing in an evidence bag and entering them into the SHPD Evidence Control System.

### **305.9 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond to all incidents where the TASER device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor or Rangemaster and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

### **305.10 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. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued 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 Lieutenant. 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 Lieutenant 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.

Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification.

The Lieutenant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.

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- (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

### 306.1 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 other 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.

### 306.2 POLICY

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

### 306.3 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.

### 306.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This 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.

#### 306.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the St. Helens Police Department would control the investigation if the suspect's crime occurred in City of St. Helens.

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 and with concurrence from the other agency.

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### 306.4.2 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 employing agency's 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).

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

### 306.4.3 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.

## **306.5 INVESTIGATION PROCESS**

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

### 306.5.1 PATROL SERGEANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Patrol Sergeant shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Lieutenant.

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

### 306.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved SHPD 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 SHPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
  1. 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.
  2. 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 Sergeant and C-Com. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional SHPD members until properly relieved by another supervisor or other assigned personnel or investigator.



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- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
  1. Each involved SHPD officer should be given an administrative order not to discuss the incident with other involved officers or SHPD members pending further direction from a supervisor.
  2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

### 306.5.3 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved SHPD 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.

### 306.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Lieutenant
- Detective Sergeant
- Columbia County Major Crimes Agreement
- Outside agency investigators (if appropriate)
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

### 306.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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

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1. Involved SHPD 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.
  2. Requests from involved non-SHPD 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 privileged only as to the discussion of non-criminal information.
- (d) A mental health professional shall be provided by the Department to each involved SHPD officer (ORS 181A.790). An involved officer shall attend at least one session. A mental health professional may also be provided to any other affected SHPD 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. The Department shall pay the costs of at least two sessions with a mental health professional and the sessions must take place within six months after the incident.
  4. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications with peer counselors are confidential (except threats of suicide or admissions of criminal conduct) and may not be disclosed by any person participating in the peer support counseling session (ORS 181A.835). To be considered confidential communications under the statute, the peer counselor must:
1. Have been designated by SHPD or employee assistance program to act as a peer counselor, and;
  2. Have received training in counseling and in providing emotional and moral support to public safety personnel or emergency services personnel who have been involved in emotionally traumatic incidents by reason of their employment.

Care should be taken to preserve the integrity of any physical evidence present on the 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 administrative leave following an officer-involved shooting. An officer who uses deadly force that results in the death of a person shall not be returned to a duty assignment that might place him/her in a situation in which he/she has to use deadly force until at least 72 hours immediately following the incident (ORS 181A.790). It

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shall be the responsibility of the Patrol Sergeant to make schedule adjustments to accommodate such leave.

### **306.6 CRIMINAL INVESTIGATION**

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) SHPD supervisors and Internal Affairs Division personnel should not participate directly in any voluntary interview of SHPD 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 his/her 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.
- (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.

#### **306.6.1 REPORTS BY INVOLVED SHPD OFFICERS**

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

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

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Nothing in this section shall be construed to deprive an involved SHPD 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.

### 306.6.2 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.
  - 1. When feasible, a recorded statement should be obtained from those persons 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, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (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.
  - 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 transportation.
- (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.

### 306.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Detective Section supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

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

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#### **306.7 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 SHPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Internal Affairs Division and will be considered a confidential officer personnel file.

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 his/ her prior statement before proceeding with any subsequent interviews.
- (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, he/she should be given his/her *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.

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5. The Internal Affairs Division 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.

#### **306.8 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.

#### **306.9 AUDIO AND VIDEO RECORDINGS**

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

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.

#### **306.10 DEBRIEFING**

Following an officer-involved shooting or death, the St. Helens Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

##### **306.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING**

A critical incident/stress debriefing should occur as soon as practicable. The Administration Lieutenant is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

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The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatcher, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Internal Affairs Division personnel.

#### **306.10.2 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.

#### **306.11 MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Patrol Sergeant, Lieutenant, Chief of Police and a Public Information Officer in the event of inquiries from the media.

No involved SHPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or Lieutenant.

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.

#### **306.12 REPORTING**

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

## Firearms

### 307.1 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.

### 307.2 POLICY

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

### 307.3 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. 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 member's Lieutenant. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

#### 307.3.1 HANDGUNS

The department authorized handgun approved for on-duty use will be one of the following calibers:

- (a) .38 Special
- (b) .357 Mag
- (c) 9 MM
- (d) .40 Caliber
- (e) .45 Caliber

A secondary or off-duty weapon can also include .380 caliber handguns.

#### 307.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870.



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The only ammunition authorized for use in the shotgun will be .00 buckshot or rifled slugs as approved by the Department and Rangemaster.

When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.

#### 307.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the AR-15.

The only ammunition authorized for the patrol rifle is that which has been issued by the Department and consists of a quality factory load in a .223 caliber.

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:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

#### 307.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

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- (d) 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.

### 307.3.5 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 on the department list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun shall be the responsibility of the member.
- (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 in accordance with the department qualification schedule. 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.

### 307.3.6 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:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
  - 1. The purchase of the personally owned firearm shall be the responsibility of the member.
- (b) 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.
- (c) 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.

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- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) 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.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and St. Helens Police Department identification cards under circumstances requiring possession of such identification.

#### 307.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

#### 307.4 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.

##### 307.4.1 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 his/her expense and must be approved by the Rangemaster.

##### 307.4.2 HOLSTERS

At a minimum, duty holsters shall be categorized as a Level II security holster. Backup holsters and off-duty holsters will be evaluated and approved by the Rangemaster. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

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#### 307.4.3 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.

#### 307.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights 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.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

### **307.5 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 shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) 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. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) 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.
- (g) 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 or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed

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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.

#### **307.5.1 INSPECTION AND STORAGE**

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns 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 shotgun 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 shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

#### **307.5.2 STORAGE AT HOME**

Members shall ensure that all firearms and ammunition 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.

#### **307.5.3 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.

#### **307.6 FIREARMS TRAINING AND QUALIFICATIONS**

All members who carry a firearm while on-duty are required to successfully complete regular and periodic training with their duty firearms. That training will include a qualification course and occur no less than twice annually. Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course.

Officer shall not carry or utilize the patrol rifle unless they have successfully completed training that consists of a 24-hour patrol rifle users course and a qualification score observed by a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete quarterly training and qualification conducted by a certified patrol rifle instructor.

Any officer who fails to qualify or fails to successfully complete two or more department sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry that weapon without successfully participating in refresher training and a qualification course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting and also demonstrate their knowledge and understanding of the department Use of Force policy.

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#### 307.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall provide notice to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
  - 1. Unauthorized range make-up
  - 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

#### 307.7 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 his/her 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 his/her Lieutenant or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (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.

#### 307.7.1 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 capsicum (OC) spray, animal

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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.

### **307.7.2 INJURED ANIMALS**

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. When practicable the member should attempt to notify a supervisor before taking such action. When no supervisor is on duty the member shall make a verbal report as soon as circumstances permit. The weapon discharge shall be documented in a special police report.

### **307.7.3 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.

### **307.8 RANGEMASTER DUTIES**

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Lieutenant after each range date.

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 his/her 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 semi-annual 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 Lieutenant 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 Lieutenant .

### **307.9 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):

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- (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 St. Helens 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 St. Helens Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the Officer's travel. If approved, TSA will send the St. Helens 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 his/her 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 his/her 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 his/her 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.

#### **307.10 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 his/her St. Helens Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.



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- (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.

### **307.11 NOISE EXPOSURE**

All department employees are presumed to be exposed to a noise level that exceeds an 8 hour time-weighted average sound level of 85 decibels measured on the A scale (slow response), or the equivalent, whenever the employee is present on a firing range that is in use, and all employees are so notified.

Because of this presumption, the police department will take the following steps to mitigate the noise exposure hazard.

- (a) **Protective Equipment:** All members of the police department will be provided with and required to use hearing protective devices. Training into the proper use of the devices will be provided. The protective devices will be used whenever the firing range is in use. Hearing protective devices will be provided at no cost to the employee. The hearing protective devices currently authorized by the administration is an "over the ear" style. Foam "roll-up" style of ear plugs will also be provided but may not be used independently, only in conjunction with the "over the ear" style device.
- (b) **Hearing tests:** All employees of the St. Helens Police Department that participate in firearms training as authorized by the department administration will be given a baseline audiogram followed by annual audiograms. All audiograms will be conducted in compliance with OSHA guidelines and will be provided at no cost to the employee.
- (c) **Hearing Conservation Training Program:** All employees of the St. Helens Police Department that are authorized to carry / use a firearm will be provided with annual training. The training will include, but not be limited to, the following subject matter;
  - 1. The effects of noise on hearing
  - 2. The purpose of hearing protectors, advantages, disadvantages, attenuation of various types and instructions on selection, fitting, use and care, and
  - 3. The purpose of audiometric testing and an explanation of the test procedures.

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### 307.12 LEAD EXPOSURE

All department employees are presumed to be at risk of exposure to airborne and surface (settled) lead particles whenever the employee is present on a firing range that is in use, either active or inactive, and all employees are so notified.

Because of this presumption, the police department will take the following steps to mitigate the lead exposure hazard.

- (a) **Eating / Drinking / Tobacco Use:** When present on the firing range, whether active or inactive, no member will eat or drink anything or use any type of tobacco product or place anything in, on or around your mouth, except that eating and drinking may be authorized by the rangemaster in areas of the range that are protected from lead exposure.
- (b) **Required Protective Clothing:** During firearms training at the range, all officers and rangemasters should attempt to cover all exposed areas of skin to minimize contact with airborne or surface lead particles. Absence of required protective equipment will prevent the employee from participating in the training until such time as the protective equipment is present. Protective clothing that is required to be used is as follows:
  - 1. Baseball style cap with bill turned forward,
  - 2. wrap-around style eye protection,
  - 3. Hearing protective device, and
  - 4. Ballistic vest.
- (c) Recommended Protective clothing is as follows:
  - 1. Long sleeve shirt, jacket or coat,
  - 2. Long pants,
- (d) All members are admonished that clothing worn at the firing range may be contaminated with lead particles. These clothing articles would include all exterior clothing (shoes, hat, pants, shirt, etc) and the clothing articles should be handled accordingly and laundered immediately and appropriately to avoid hazardous materials contamination of yourself, your residence, your family members or the police department offices or vehicles.
- (e) In addition to other mentioned protective clothing, a device to protect the respiratory system (respirator) should be worn at any time an employee is involved in physical maintenance of the firing range that involves working on or at the projectile collection berm and such maintenance could reasonably be expected to disrupt settled surface lead particles and cause those particles to become airborne.
- (f) **Hygiene Facilities:** Facilities for cleaning exposed skin surfaces will be provided at the firing range at any time the range is in use. The mentioned facilities will include, at

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least, soap, water, facial tissue and towels. After firing at the range it is required to thoroughly wash the hands with soap and water. It is recommended that the employee thoroughly wash all exposed skin surfaces and to blow the nose to expel collected lead particles in the nasal passages.

- (g) Medical Examination: Any member that is involved in instruction of firearms training (rangemaster instructor) will be provided with medical testing for lead exposure on an annual basis. The testing will be conducted at no cost to the employee and the testing will be conducted in compliance with OSHA guidelines.
- (h) Lead Exposure Training Program: Members of the St. Helens Police Department will receive initial training relating to lead exposure and annual follow-up training. The subject matter of the training will include, but not be limited to;
  - (i) How lead enters the body,
    - 1. The effects of lead on the body,
    - 2. What types of precautions should be taken at the range, and
    - 3. Other materials as required by OSHA
  - (j) Use of Low lead / Lead free ammunition: Whenever possible, the police department will provide training ammunition that is manufactured with a full metal jacket bullet, lead free primers or steel shot for use on the firing range.

## Tactical Folding Knives

### 308.1 PURPOSE AND SCOPE

The purpose of this policy is to give direction to members of the department relating to the general and defensive use of folding knives or "Tactical Folding Knives."

### 308.2 PHILOSOPHY

- (a) The St. Helens Police Department recognizes the sanctity of life above all other values. As such, the St. Helens Police Department provides that its officers will be equipped with tools and weapons designed to assist each officer in the preservation of the individual officers life, other officers lives, and the lives of citizens, including that of the offender.
- (b) The St. Helens Police Department authorizes each officer to possess and use a tactical folding knife while on duty. It is recognized that officers may have many needs for a folding knife including both general work and for limited defensive purposes. While not considered to be a primary weapon of choice in a defense of life situation, officers may, in extraordinary circumstances, use a tactical folding knife in the defense of life.
- (c) Nothing in this policy requires any officer to carry a knife. This policy is intended to aid the officer, should the officer choose to carry a knife on duty, in the acceptable use of the knife in common tasks and in defense of life.

### 308.3 SPECIFICATIONS

- (a) Officers may carry either an automatic or manual opening knife as the officer prefers.
- (b) The St. Helens Police Department recognizes that an officer may wish to carry a knife with a fixed blade. Any reference in this policy to a Tactical Folding Knife shall apply also to a Fixed Blade Knife
- (c) Any knife carried on duty shall be inspected by the Chief of Police, Lieutenant or the department Tactical Knife Instructor prior to being carried.

### 308.4 GENERAL USE

- (a) The carrying of any knife while on duty shall be done as unobtrusively as possible so as not to alarm any bystander. The officer shall take care to not exhibit or handle the knife in a careless manner.
- (b) It is the officer's responsibility to use the tactical folding knife as a tool in a safe and responsible manner.

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### **308.5 DEFENSIVE USE**

- (a) It is recognized that any officer, in the course of his or her duties, may require the use of a tactical folding knife as a weapon of defense under extraordinary circumstances.
- (b) Officers are cautioned that the tactical folding knife is primarily a cutting tool to assist them in their daily duties, and is not intended by this agency to be a primary weapon of defense. Extreme circumstances may dictate that the tactical folding knife be used as an "immediate measure of defense of life."
- (c) An "immediate measure of defense" is defined as taking action or using any implement to defend the officer's life or safety, or the life and safety of another, with implements or devices not normally intended to be weapons or issued as public safety equipment.

## Vehicle Pursuits

### 309.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where Department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

#### 309.1.1 POLICE PURSUIT DEFINED

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

Driving in an otherwise legal manner but failing to yield to an officers 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.

When an officer determines that a failure to yield will constitute a pursuit, the officer must consider the factors listed under policy 309.4.1. If the pursuit is not authorized under 309.4.1 the officer shall discontinue the attempt to stop the vehicle.

### 309.2 ATTEMPTING TO ELUDE A POLICE OFFICER

(1) A person commits the crime of fleeing or attempting to elude a police officer if:

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- (a) The person is operating a motor vehicle; and
- (b) A police officer who is in uniform and prominently displaying the police officer's badge of office or operating a vehicle appropriately marked showing it to be an official police vehicle gives a visual or audible signal to bring the vehicle to a stop, including any signal by hand, voice, emergency light or siren, and either:
  - (A) The person, while still in the vehicle, knowingly flees or attempts to elude a pursuing police officer; or
  - (B) The person gets out of the vehicle and knowingly flees or attempts to elude the police officer. (ORS 811.540)

### **309.3 FAILURE TO YIELD TO AN EMERGENCY VEHICLE**

(1) A person commits the offense of failure to yield to an emergency vehicle or ambulance if an ambulance or emergency vehicle that is using a visual or audible signal in a manner described under ORS 820.300 (Exemptions from traffic laws) and 820.320 (Illegal operation of emergency vehicle or ambulance) approaches the vehicle the person is operating and the person does not do all of the following:

- (a) Yield the right of way to the ambulance or emergency vehicle.
- (b) Immediately drive to a position as near as possible and parallel to the right-hand edge or curb of the roadway clear of any intersection.
- (c) Stop and remain in such position until the emergency vehicle or ambulance has passed. (ORS 811.145)

### **309.4 OFFICER RESPONSIBILITIES**

While engaging in a vehicle pursuit Officers must drive with due regard for the safety of all other persons. However, while engaging in a vehicle pursuit, officers are generally not required to follow the rules of the road (ORS 820.300). This exemption only applies to emergency vehicles using emergency lights and sirens (ORS 820.300; ORS 820.320). This following policy is established to provide Officers with guidelines for driving with due regard and caution for the safety of all persons, as required by ORS 820.300(2).

#### **309.4.1 WHEN TO INITIATE A PURSUIT**

The St. Helens Police Department authorizes vehicular pursuits in the following circumstances when the officer has a reasonable belief that the 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 person felony has been committed, or the officer has a reasonable suspicion that a violent person felony will be committed if the subject is allowed to escape, even if the suspect is known and could be apprehended at a later date.

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- (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, the officer or members of the public including occupants of the suspect vehicle.
- (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 threat of death or serious injury to officers or to the public.

The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- (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 risks to officers, innocent motorists and others.
- (c) The apparent nature of the fleeing suspect(s) (e.g., where the suspect(s) present a serious threat to public safety.
- (d) The identity of the suspect is known and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time.

Pursuits are prohibited when initiated solely for traffic infractions, property crimes or drug crimes (whether felony or misdemeanor), or based on the mere fact that the vehicle is fleeing. Information not available to the officer at the time of the pursuit will not be considered later in determining whether or not the pursuit was justified. In all cases the initiating officer must be able to clearly articulate the reason(s) why the pursuit was initiated.

#### 309.4.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued 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.

The factors listed in WHEN TO INITIATE A PURSUIT are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term terminate shall be construed to mean discontinue or to stop chasing the fleeing vehicles.

In addition to the factors listed in the When to Initiate a Pursuit subsection of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:



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- (a) Distance between the pursuing officers and the fleeing vehicles is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) Pursued vehicle's location is no longer definitely known.
- (c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- (d) Hazards to uninvolved bystanders or motorists.
- (e) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (f) Directed by a supervisor.

### **309.4.3 SPEED LIMITS**

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

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Whether the pursuit speeds are unsafe for the surrounding conditions.
- (b) Whether the speeds being reached are beyond the driving ability of the officer.
- (c) Whether the speeds are beyond the capabilities of the police vehicle thus making its operation unsafe.

### **309.5 PURSUIT UNITS**

Pursuit units should be limited to two vehicles; however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units 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 suspects. All other officers should 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 termination point at legal speeds, following the appropriate rules of the road.

#### **309.5.1 MOTORCYCLE OFFICERS**

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practical.

#### **309.5.2 VEHICLES WITHOUT OVERHEAD LIGHT BARS**

Absent a reasonable alternative, and then only when human life is in immediate danger, department vehicles not equipped with emergency lights and siren are prohibited from initiating

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or joining in any pursuit. Officers driving units without an overhead light bar should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police helicopter. The exemptions provided by ORS 820.300 do not apply to officers using vehicles which do not qualify as emergency vehicles under ORS 801.260.

### 309.5.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to themselves or other persons.

Notify C-Com that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

- (a) Reason for the pursuit.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of known occupants.
- (f) The identity or description of the known occupants.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

In order to concentrate on pursuit driving the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit as soon as practical to a secondary unit or aircraft joining the pursuit, unless practical circumstances indicate otherwise.

### 309.5.4 SECONDARY UNITS RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

- (a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit
- (c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise

### 309.5.5 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

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- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available units 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 units should exercise due caution when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:
  - 1. Requesting assistance from an air unit.
  - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
  - 3. Requesting other units to observe exits available to the suspects.
  - 4. Notifying the Oregon State Police and/or other jurisdictional agency when it appears the pursuit may enter that jurisdiction.
- (d) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

### 309.5.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. 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. Officers should remain in their assigned area and should not become involved, during or at the termination of the pursuit, unless directed by a supervisor.

Non-pursuing personnel assigned to assist at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road, unless directed otherwise by a supervisor.

The primary and secondary units should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

### 309.5.7 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

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The term trail means to follow 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 unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

#### **309.5.8 AIRCRAFT ASSISTANCE**

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air unit 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 or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

#### **309.6 SUPERVISORY CONTROL AND RESPONSIBILITY**

It is the policy of this department that 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) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit 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 number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that aircraft are requested if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Control and manage SHPD units when a pursuit enters another jurisdiction.
- (j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

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#### 309.6.1 PATROL SERGEANT RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the Patrol Sergeant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Patrol Sergeant has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Patrol Sergeant shall review all pertinent reports for content and forward to the Lieutenant.

#### **309.7 COMMUNICATIONS**

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 communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

##### 309.7.1 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, C-Com will:

- (a) Clear the channel on which the pursuit is being broadcast.
- (b) Coordinate pursuit communications of the involved units and personnel.
- (c) Notify and coordinate with other involved or affected agencies as practical.
- (d) Ensure that a field supervisor is notified of the pursuit.
- (e) Assign an incident number and log all pursuit activities.
- (f) Broadcast pursuit updates as well as other pertinent information as necessary.
- (g) Notify the Patrol Sergeant as soon as practical.

##### 309.7.2 LOSS OF PURSUED VEHICLE

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

#### **309.8 INTER-JURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the primary 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 officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

##### 309.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and the assistance of this agency is no longer needed. Upon discontinuing

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the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit initiated by this agency shall be coordinated with appropriate consideration of the units from 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.

#### **309.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. Officers should make every attempt to understand the nature of the pursuit and verify its compliance with this policy. Officers will not join a pursuit that is not in compliance with this policy, specifically 309.4.1.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the officer should also consider the following additional factors:

- (a) The officers ability to maintain the pursuit.
- (b) Circumstances serious enough to continue the pursuit.
- (c) Adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.
- (e) Safety of the pursuing officers.

The Patrol Sergeant or supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit. In the absence of a supervisor an officer may be tasked with this analysis and should understand the gravity of a pursuit decision.

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

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

#### **309.9 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable it or forcibly position it such that further flight is not possible or practical.

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#### 309.9.1 WHEN USE AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks 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 these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

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

#### 309.9.2 DEFINITIONS

**Blocking or Vehicle Intercept** - A very low speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a slow moving or stopped suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

**Boxing-in** - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Ramming** - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

**Roadblocks** - A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle. This tactic is also often referred to as a roadblock, barricade or blockade.

**Pursuit Intervention Technique (PIT)** - is a low speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit

**Spikes or Tack Strips** - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

#### 309.9.3 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 should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. 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.

#### 309.9.4 INTERVENTION STANDARDS

Any pursuit 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 deadly force and subject to the requirements for such use. Officers who have not received certified departmental training in the application and use of any intervention tactic or equipment shall consider these

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facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved this technique should only be employed by officers who have received training in such tactics after giving consideration to the following:
  - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
  - 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
  - 3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
  - 4. The target vehicle is stopped or traveling at a low speed.
  - 5. At no time should civilian vehicles be used to deploy this technique.
- (b) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration 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.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
  - 1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
  - 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.

If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (d) As with all intervention tactics, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into



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## Vehicle Pursuits

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consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

- (e) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public. Any roadblock implemented should include reasonable line-of-sight distance permitting the suspect to recognize, react to and stop before striking the roadblock.

### 309.9.5 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, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit . Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

### 309.10 REPORTING REQUIREMENTS

The following reports should be completed to comply with appropriate local and state regulations:

- A. The primary officer shall notify a supervisor as soon as practicable of the pursuit.
- B. The primary officer shall complete appropriate crime/arrest reports
- C. A field supervisor shall complete a Pursuit Review Checklist and Supervisor's Log summarizing the pursuit to the Lieutenant to evaluate the pursuit in terms of Department policy. The memo shall minimally contain the following information:

#### 309.10.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this

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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.

#### 309.10.2 POLICY REVIEW

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

#### 309.10.3 ANNUAL REVIEW

During the first calendar quarter of each year, Patrol Lieutenant 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.

# Officer Response to Calls

## 310.1 PURPOSE AND SCOPE

The St. Helens Police Department must lead by example. Our driving expertise and our attitude toward road safety must be exemplary. We have an obligation to our community and to ourselves to ensure that we think and act with safety in mind while promoting a professional image. Emergency vehicles DO NOT have absolute right of way and department members will operate police vehicles reasonably and always with due regard for the rights and safety of others at all times and regardless of circumstances. Police vehicle operation shall be within the law. Irresponsible, careless and reckless driving is prohibited. This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

## 310.2 RESPONSE TO CALLS

Officers shall proceed immediately to calls that are of an emergency nature.

### **Code 3 Response- Officers may respond Code 3 when:**

1. Imminent danger to citizens and the officer arrival might save lives.
2. Another officer requires assistance to control a volatile situation.
3. Reliable information exist of a felony in progress.
4. Pursuits.

### **Procedure**

Patrol Officer(s) shall:

1. Determine the need for Code 3 response.

Primary and Secondary Officer shall:

2. Notify Communications via radio of Code 3 status and activate body worn camera.
3. Activate, and continuously utilize, emergency lights and siren, pursuant to ORS 820.320.

First and Second Arriving Units shall:

4. Broadcast arrival status via the radio.
5. Determine the need for continued Code 3 response of additional units.
6. First or Secondary units will advise other units via radio to either continue or discontinue Code 3, as needed.

Additional Units shall:

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7. Prior to proceeding Code 3, utilize the MDT or radio channel L-2, to advise of Code 3 response and subsequently, arrival status.

Officers responding Code 3 shall operate emergency lights and siren as is reasonably necessary pursuant to Oregon Revised Statutes 820.300 and Oregon Revised Statutes 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 Oregon Administrative Rules 735-110-000(8) and 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.

Oregon Revised Statutes 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 (Oregon Revised Statutes 820.300).

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

### **310.3 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 citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify Communications.

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

### **310.4 RESPONSIBILITIES OF RESPONDING OFFICER(S)**

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Only commissioned personnel are authorized to use Code 3. Typing of messages and use of cell phone are prohibited during Code 3 response. Officer(s) responding to non-emergency calls will not use emergency lights and/or sirens for the sole purpose of crossing intersections. Code 3 Driving is prohibited in vehicles that are not equipped with emergency lights and siren.

**Intersections-** During Code 3 operations, officers shall come to a stop before entering an intersection against the traffic control device (red light, flashing red light, stop sign, ect.), as well as before entering any blind intersection, or any intersection where hazards are present and other drivers cannot see oncoming lanes of traffic. If needed, the officer may cross the intersection in stages, treating each lane as a separated intersection. If entering an intersection with right of way, officers will slow and ensure that the intersection is clear before proceeding.

**Entering Opposing Lanes-** During Code 3 operations, officers driving into opposing traffic may do so at slow speeds and must ensure that no oncoming traffic is present in their lane before proceeding. Extreme caution must be exercised.

**Stopped in Traffic-** If an emergency vehicle becomes stopped in traffic (it., turn lane, passing train, or at a red light), the officer may turn off emergency lights and siren until the traffic conditions allow for the safe movement of the vehicle. Once the vehicle returns to Code 3 operations, the lights and siren must be reactivated.

**Stopped Buses-** During Code 3 operations, officers shall stop and ensure that they safely pass a stopped bus unloading passengers.

### **310.5 SUPERVISORY RESPONSIBILITIES**

Upon being notified that a Code-3 response has been initiated, the Patrol Sergeant or the field supervisor shall verify the following

Monitor respective radio channels to ensure strict adherence to this policy, and will cancel or direct Code 3, as warranted. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

When making the decision to authorize a Code-3 response, the Patrol Sergeant or the field 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
- Whether a Code 3 response will alert suspect(s) in the area.

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### **310.6 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 obeying all traffic laws. In all cases, the officer shall notify the Patrol Sergeant, or C-Com of the equipment failure so that another unit may be assigned to the emergency response.

### **310.7**

## Canines

### 311.1 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.

### 311.2 POLICY

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

### 311.3 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol Lieutenant or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

### 311.4 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious 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.

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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 is threatening to commit a serious 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.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Patrol Sergeant. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

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.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

#### 311.4.1 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 he/she deems deployment is unsuitable.

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



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

### 311.4.2 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 his/her 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.

### 311.4.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. 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.

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 an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs 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.

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).

### **311.5 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:

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- (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 assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

#### 311.5.1 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.

#### 311.6 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).
- (c) A garage that can be secured and can accommodate a canine vehicle.
- (d) Living within 30 minutes travel time from the City of St. Helens City limits.
- (e) Agreeing to be assigned to the position for a minimum of three years.

#### 311.7 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 Patrol Sergeant 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 in the handler's personnel file.

#### 311.8 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current Oregon Police Canine Association (OPCA) standards or other accredited and recognized animal handling organization standards (ORS 167.310). Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained

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and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

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 Sergeant.

#### 311.8.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to OPCA or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the St. Helens Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or the Patrol Sergeant.

#### 311.8.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing OPCA canine certification standards, or other accredited or recognized animal handling organization standards, shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

#### 311.8.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

#### 311.8.4 TRAINING AIDS

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

## Domestic Violence

### 312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses 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.

#### 312.1.1 DEFINITIONS

Definitions related to this policy include:

**Court order** - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

### 312.2 POLICY

The St. Helens 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 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.

### 312.3 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.

### 312.4 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 list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

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- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (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. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detective Section in the event that the injuries later become visible.
- (f) Officers should 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 should 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 firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (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) Officers should 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.
  - 11. The social status, community status, or professional position of the victim or suspect.

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### **312.4.1 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.

### **312.4.2 IF NO ARREST IS MADE**

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 homes, victim witness unit).
- (b) Document the resolution in a report.

### **312.5 VICTIM ASSISTANCE**

Victims may be traumatized or confused. Officers should:

- (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) Alert the victim to any available victim advocates, shelters and community resources.
- (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 he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her 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) Seek or assist the victim in obtaining an emergency order 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 with the consent or permission of the victim (ORS 133.035).

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### 312.5.1 VICTIM AND WITNESS STATEMENTS

All victims and witness statements should be tape recorded;

### 312.5.2 CIRCUIT COURT RELEASE DECISIONS

A circuit court release decision shall accompany all domestic violence arrest reports.

### **312.6 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.

### **312.7 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.

### **312.8 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 his/her notice or receipt of the order, his/her 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.

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.

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#### 312.8.1 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 Sheriff for entry into the Law Enforcement Data System (LEDS) and the National Crime Information Center (NCIC) system (ORS 107.720).

#### 312.8.2 SERVICE OF EMERGENCY PROTECTIVE ORDERS

An officer who obtains an emergency protective order 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 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. If service cannot be completed within one day of the order's entry, the officer shall notify the court (ORS 133.035).

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).

#### **312.9 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). Officers shall 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.
- (d) Officers shall arrest and take a suspect into custody when the officer has probable cause to believe that a restraining order or emergency protective order 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).



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### **312.10 REPORTS AND NOTIFICATIONS**

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

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

#### **312.10.1 EMERGENCY PROTECTIVE ORDERS**

The Police Support Specialist 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).

## Search and Seizure

### 313.1 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 St. Helens Police Department personnel to consider when dealing with search and seizure issues.

### 313.2 POLICY

It is the policy of the St. Helens 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.

### 313.3 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 his/her familiarity with clearly established rights as determined by case law.

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

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### 313.4 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.

### 313.5 DOCUMENTATION

Officers are responsible to document any search and 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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### **313.6 INVENTORY SEARCH OF IMPOUNDED VEHICLES AND OF PROPERTY OF PERSONS IN POLICE CUSTODY**

This inventory policy was adopted pursuant to the authority provided in City of St. Helens Ordinance #2889 and Resolution #1358.

#### 313.6.1 DEFINITIONS

- (a) Valuables
  1. Cash money of an aggregate value of \$50.00 or more; or
  2. Individual items of personal property with a value of over \$500.00.
- (b) Open Container
  1. A container which is unsecured or incompletely secured in such a fashion that the container's contents are exposed to view.
- (c) Closed Container
  1. A container whose contents are not exposed to view.
- (d) Police Custody
  1. The imposition of restraint as a result of an arrest as that term is defined at ORS 133.005; or
  2. The imposition of actual or constructive restraint by a police officer pursuant to a court order; or
  3. The imposition of actual or constructive restraint by a police officer pursuant to ORS chapter 426; or
  4. The imposition of actual or constructive restraint by a police officer for the purpose of taking the restrained person to an approved facility for the involuntary confinement of persons pursuant to Oregon law.
- (e) Police Officer
  1. Any Officer duly appointed by the City of St. Helens Police Department

#### 313.6.2 PHILOSOPHY

The St. Helens Police Department recognizes that a certain amount of property that belongs to others will come into the possessions of our officers. That property might belong to victims, suspects or citizens at large and could be evidence, found property, lost property or property held for safekeeping.

We further recognize that the handling of that property is an important aspect of the day-to-day operations of the police department and that property must be handled in a proper, fair and structured manner.

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In addition we recognize that the proper handling of property entrusted to the police for whatever reason is essential to avoid bringing discredit upon this police agency.

#### 313.6.3 POLICY

It shall be the policy of this police department that whenever a police officer takes a person into custody or impounds a vehicle, a thorough inventory of the property found in the possession or custody of the person or an inventory of the property in the vehicle shall be completed by the officer, as authorized by City of St. Helens Ordinance number 2889 and Resolution number 1358.

The required inventories are necessary to:

- (a) Locate weapons and instruments that facilitate escape;
- (b) Locate toxic substances, flammables and explosives;
- (c) Identify property to establish accountability and avoid spurious claims of ownership of that or other property.
- (d) Assist in the prevention of theft of property and in locating and identifying stolen property; and
- (e) Reduce the dangers to persons and property.

In accordance with O.R.S. 133.455, when an officer takes or receives for safekeeping or other purpose any money or other valuables from any person in custody, the officer must tender that person a receipt for the property. A receipt shall also be tendered in all cases as described above when the person is not in custody.

This policy is meant to exclusively apply to the process for conducting an inventory of the personal property in an impounded vehicle and the personal possessions of a person in police custody and shall not be interpreted to affect any other statutory or constitutional right(s) that police officers may employ to search persons or vehicles or search and seize possessions for other purposes.

#### 313.6.4 PROCEDURES FOR IMPOUNDED VEHICLES

- (a) The contents of all vehicles impounded by a police officer will be inventoried. The inventory will be conducted before constructive custody of the vehicle is released to a third party towing company except under the following circumstances:
  - 1. If there is reasonable suspicion to believe that the safety of either the police officer(s) or any other person is at risk, the required inventory will be done as soon as is safely practical; or
  - 2. If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory will be done after such investigation is completed.
- (b) The purpose for the inventory of an impounded vehicle will be to:

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1. Promptly identify property to establish accountability and avoid spurious claims to property;
  2. Assist in the prevention of theft of property;
  3. Locate toxic, flammable or explosive substances; or
  4. Reduce the danger to person and property.
- (c) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, accessible areas under or within the dashboard area, in any pockets in the doors or in the back of the front seats, in any console between the seats, under any floor mats and under the seats. In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:
1. Any other type of unlocked compartments that are part of the vehicle including, but not limited to, unlocked vehicle trunks and unlocked car-top containers; and
  2. Any locked compartments including, but not limited to, locked vehicle trunks, locked hatchbacks and locked car-top containers, if either the keys are available to be released with the vehicle to the third party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) Unless otherwise provided in this policy, closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for closed containers that are designed for carrying money and / or small valuables on or about a person or within the vehicle including, but not limited to, closed purses, closed coin purses, closed wallets, closed back packs, closed brief cases and closed fanny packs.
- (e) Upon completion of the inventory or as soon as is practical thereafter, the police officer will complete a report detailing said inventory on the report form that is currently authorized by the St. Helens Police Department for such use.
- (f) Any valuables located during the inventory process that are seized by the police officer for whatever reason will be listed on a property receipt. A copy of the property receipt will either be left in the vehicle or tendered to the person in apparent control of the vehicle if such person is present. The seized valuables will be dealt with in such manner as directed by the St. Helens Police Department property policy as currently in force.

#### 313.6.5 PROCEDURES FOR PERSONS IN POLICE CUSTODY

- (a) A police officer will inventory the personal property in the possession of a person taken into police custody and such inventory will be conducted whenever:

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1. Such person will either be placed in a secure police holding room or transported in a secure portion of a police vehicle: or
  2. Custody of the person will be transferred to another law enforcement agency, correctional facility, or treatment facility as that phrase is used in O.R.S. 430.399 or such other lawfully approved facility for the involuntary confinement of persons pursuant to Oregon Revised Statute.
- (b) An inventory of the personal property in the possession of a person in police custody will be conducted prior to placing such person into a holding room or a police vehicle, whichever occurs first. However, if reasonable suspicion exists to believe that the safety of either the police officer(s) or the person in custody or both are at risk, the required inventory will be done as soon as safely practical prior to the transfer of custody to another law enforcement agency or facility.
- (c) To complete the required inventory of personal property of a person in police custody, the police officer will remove all items of personal property from the person and clothing of such person. In addition, the officer will remove all items of personal property from all open containers in the possession of such person.
- (d) A closed container in the possession of such person will have it's contents inventoried only when:
1. The closed container is to be placed in the immediate possession of such person at the time that person is placed in the secure portion of a custodial facility, police vehicle or secure police holding room;
  2. Such person requests that the closed container be with them in the secure portion of a police vehicle or a secure police holding room; or
  3. The closed container is designed for carrying money and / or small valuables on or about the person including, but not limited to, closed purses, closed coin purses, closed wallets, closed back packs, closed brief cases and closed fanny packs.
- (e) Valuables found during the inventory process will be noted by the police officer in a report as directed by the Chief of Police.
- (f) All items of personal property that are neither left in the immediate possession of the person in custody nor left with the facility or agency accepting custody of the person, will be handled in the following manner:
1. A property receipt will be prepared listing the property to be retained in the possession of the police department and a copy of that receipt will be tendered to the person in custody when such person is released to the facility or agency accepting custody of such person;

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2. The retained property will be dealt with in such manner as set forth in the St. Helens Police Department property policy currently in force.

All property that is not retained by the police department will be tendered to the facility or agency accepting custody of person so that the property may be held for safekeeping on behalf of the person in custody.



## Temporary Custody of Juveniles

### 314.1 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 St. Helens Police Department (34 USC § 11133).

Guidance regarding contacting juveniles at schools or those who may be victims is provided in the Child Abuse Policy.

#### 314.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her 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 his/her 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 at 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 locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

**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.

### **314.2 POLICY**

The St. Helens 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 St. Helens Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

### **314.3 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the St. Helens 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 St. Helens Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

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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.

#### **314.4 CUSTODY OF JUVENILES**

Officers should take custody of a juvenile and temporarily hold the juvenile at the St. Helens 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 St. Helens Police Department without authorization of the arresting officer's supervisor or the Patrol Sergeant.

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 his/her entry into the St. Helens Police Department (ORS 419B.160; ORS 419C.130).

##### **314.4.1 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 St. Helens 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 run a criminal records check on the noncustodial parent and any adults in the same home as the noncustodial parent (ORS 419B.165).

##### **314.4.2 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).

##### **314.4.3 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, he/she could be arrested without a warrant (ORS 419C.080).

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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).

Juvenile offenders should be held in non-secure custody while at the St. Helens Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

### **314.4.4 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.

If a juvenile offender is not released to the parent, guardian or other responsible person, or to a person identified by the juvenile court, the officer shall take the juvenile to the county juvenile detention facility or appropriate shelter (ORS 419C.103).

### **314.5 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

### **314.6 TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the St. Helens Police Department shall ensure the following:

- (a) The Patrol Sergeant should be notified if it is anticipated that a juvenile may need to remain at the St. Helens Police Department more than four hours. This will enable

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the Patrol Sergeant to ensure no juvenile is held at the St. Helens Police Department more than five 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 his/her care that the juvenile will be monitored at all times, unless he/she is 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.
- (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.

#### **314.7 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.

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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 St. Helens 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.

#### **314.8 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 St. Helens 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 Patrol 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.

#### **314.9 PERSONAL PROPERTY**

The officer taking custody of a juvenile offender or status offender at the St. Helens 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 St. Helens Police Department.

#### **314.10 SECURE CUSTODY**

Only juvenile offenders 14 years or older may be placed in secure custody. Patrol Sergeant approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

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Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

### **314.11 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE**

The Patrol Sergeant will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the St. Helens Police Department. The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police and Detective Section 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.

### **314.12 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation. (See the Investigation and Prosecution Policy.)

### **314.13 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING**

A juvenile taken into custody under ORS 419C.080 shall be photographed and fingerprinted (ORS 419A.250(2)).

Other juveniles taken into custody may only be fingerprinted or photographed (ORS 419A.250(1)):

- (a) Pursuant to a search warrant.
- (b) According to laws concerning adults if the juvenile has been transferred to criminal court for prosecution.
- (c) Upon consent of both the juvenile and the juvenile's parent after being advised that they are not required to give such consent.
- (d) By order of the juvenile court.

Fingerprints and photographs of juveniles must be kept separate from those of adults. Fingerprints and photographs of juvenile offenders shall be sent to the central state depository in the same manner as fingerprint and photograph files or records of adults. Fingerprints and photographs of other juveniles should not be sent to any central state or federal depository (ORS 419A.250).

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### **314.14 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.

### **314.15 TRAINING**

Department members should be trained on and familiar with this policy and any supplemental procedures.



## Adult Abuse

### 315.1 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 St. Helens Police Department members as required by law.

#### 315.1.1 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.

### 315.2 POLICY

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

### 315.3 MANDATORY NOTIFICATION

Members of the St. Helens 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.

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### 315.3.1 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)).

### 315.4 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.

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

### 315.5 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 he/she 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.

### 315.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact DHS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible

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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 his/her 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.

#### **315.6.1 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 his/her safety (ORS 124.065; ORS 430.743; OAR 411-020-0085).

### **315.7 INTERVIEWS**

#### **315.7.1 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.

#### **315.7.2 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 his/her 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.

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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.

#### **315.8 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.

#### **315.9 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.

##### **315.9.1 SUPERVISOR RESPONSIBILITIES**

The Detective Section 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 Detective Section supervisor that he/she has 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.
- (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.

##### **315.9.2 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 Detective Section supervisor so an interagency response can begin.

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#### **315.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Oregon requires or permits the following:

##### **315.10.1 RECORDS SECTION RESPONSIBILITIES**

The Records Section 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.

##### **315.10.2 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).

#### **315.11 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.

## Discriminatory Harassment

### 316.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

This policy also applies to department elected officials (ORS 243.319).

### 316.2 POLICY

The St. Helens Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

### 316.3 DEFINITIONS

Definitions related to this policy include:

#### 316.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on 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 (ORS 659A.030; ORS 659A.082; ORS 659A.112).

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to the department policy and to a work environment that is free of discrimination.

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### 316.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

### 316.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission (EEOC) and the Oregon Bureau of Labor and Industries' Civil Rights Division.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

### 316.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

## **316.4 RESPONSIBILITIES**

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Personnel Director, or the City Administrator.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or



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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

### 316.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment, or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
  - 1. Unless a member objects in writing, a supervisor designated by the Chief of Police shall follow up with a member once every three months for a year following the date on which the member reported the incident to determine whether the alleged harassment has stopped or if the member has experienced retaliation (ORS 243.321).
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Personnel Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

### 316.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

### 316.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate

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any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

### 316.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

### 316.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation (ORS 659A.199).

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Personnel Director, or the City Administrator.

### 316.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

## **316.6 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police, the City Administrator, or the Personnel Director, depending on the ranks of the involved parties.
- Maintained in accordance with the established records retention schedule.

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### 316.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

### 316.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

### 316.8 ADDITIONAL REQUIREMENTS

The Personnel Director should consult with the City Human Resources manager to ensure that all required notifications regarding unlawful employment discrimination are available to all employees.

When any member complains about discriminatory harassment, the person receiving the complaint should provide a copy of this policy to the member (ORS 243.319).

A member may file a complaint with the Bureau of Labor and Industries and also may have other legal remedies under Oregon law (ORS 243.319).

- (a) Administrative complaints regarding federal discrimination claims must be filed within 300 days of the alleged unlawful employment practice (42 USC §2000e-5(e)(1)).
- (b) Administrative complaints regarding state discrimination claims must be filed within five years of the alleged unlawful employment practice (ORS 659A.820(3)).
- (c) A civil lawsuit alleging state discrimination claims must be filed within five years of the alleged unlawful employment practice (ORS 659A.875).
- (d) A civil lawsuit alleging federal discrimination claims must be filed within 90 days of the receipt of a right to sue letter from the Bureau of Labor and Industries and/or the EEOC (42 USC §2000e-16(c)).
- (e) The statute of limitations periods for crimes related to sexual harassment vary from two to 12 years.
- (f) Claims made against the St. Helens Police Department require advance notice pursuant to ORS 30.275 (ORS 243.319).

A member may file a complaint with the Department within four years from the date of the alleged incident or within the time limitation specified in ORS 659A.875, whichever is greater (ORS 243.321).

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A member who believes the member has been subjected to workplace harassment may access available community services and any support services provided by the Department, such as the employee assistance program (ORS 243.321).

No member will be required or coerced into a nondisclosure (confidentiality) or nondisparagement (an agreement not to say anything negative about the St. Helens Police Department or its members in any form of communication) agreement. A member may voluntarily enter into an agreement that contains a nondisclosure or nondisparagement provision and has a minimum of seven days to revoke said agreement (ORS 243.321).

## Child Abuse

### 317.1 PURPOSE AND SCOPE

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

#### 317.1.1 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).

### 317.2 POLICY

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

### 317.3 MANDATORY NOTIFICATION

Members of the St. Helens 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).

#### 317.3.1 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.
- (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).

### **317.4 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 all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy 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).

### **317.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, an officer 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 exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (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.
- (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).

#### 317.5.1 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.

#### 317.5.2 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).

### **317.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the officer should make reasonable attempts to contact DHS. Generally, removal of a child from his/her 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 his/her 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 take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, 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.

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

#### **317.6.1 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.
- (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).

### **317.6.2 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 St. Helens Police Department shall follow the provisions set forth in ORS 418.017.

## **317.7 INTERVIEWS**

### **317.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. 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.

### **317.7.2 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:
  - 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.

## **317.8 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.

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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.

#### **317.8.1 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).

#### **317.9 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.

##### **317.9.1 SUPERVISOR RESPONSIBILITIES**

The Detective Section 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 children 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 Detective Section 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.
- (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 child.

##### **317.9.2 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.
- (b) Notify the Detective Section supervisor so an interagency response can begin.

#### **317.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Oregon requires or permits the following:

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#### 317.10.1 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).

#### 317.10.2 COUNTY MULTIDISCIPLINARY CHILD ABUSE TEAM AND PROTOCOL

The Detective Section 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).

#### 317.10.3 CHILD FATALITY REVIEW TEAMS

This department should cooperate with any child fatality review team and investigation (ORS 418.785).

#### 317.10.4 DISPOSITION OF INVESTIGATION

Each investigation of child abuse shall be concluded with one of the following dispositions (ORS 419B.026):

- Founded
- Unfounded
- Undetermined

#### **317.11 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.
- (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.

## Public Alerts

### 318.1 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.

### 318.2 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.

### 318.3 RESPONSIBILITIES

#### 318.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the St. Helens Police Department should notify their supervisor, Patrol Sergeant or Detective Section 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.

#### 318.3.2 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 the Chief of Police, the 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
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Lieutenant

### 318.4 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.

#### 318.4.1 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.

#### 318.4.2 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 Sergeant or Detective 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

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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.

- (c) The Records Section 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

### 319.1 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.

### 319.2 POLICY

The St. Helens Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the St. Helens 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.

### 319.3 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 St. Helens 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.

#### 319.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Providing oral or written notice to crime victims of the Oregon Crime Victim Bill of Rights. This may be accomplished by providing the information in victim handouts or providing the notice electronically (ORS 147.417).
- (b) Sexual assault investigations (ORS 181A.325):
  1. Receiving and responding to all inquiries concerning sexual assault kits.
  2. Providing any information the victim requests concerning sexual assault kits in a manner of communication designated by the victim, as soon as possible and within 30 days of the inquiry unless doing so would interfere with the investigation. This information includes the location, testing date and testing 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 for the kit.
  3. Acting as liaison with the Oregon State Police (OSP) regarding submitted kits.
  4. Allowing a sexual assault victim to provide written authorization for a designee to access information on the victim's behalf.
  5. Upon request, provide victim with assistance in the creation of a sexual assault report associated with the sexual assault kit.

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### **319.4 CRIME VICTIMS**

Officers should provide all victims with the applicable victim information handouts.

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 him/her to the proper written department material or available victim resources.

#### **319.4.1 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).

### **319.5 WITNESSES**

Officers should never guarantee a witness' safety from future harm or that his/her 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.



# Hate Crimes

## 320.1 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.

### 320.1.1 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).

## 320.2 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.

## 320.3 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 should promptly contact the victim, witness, or reporting party to investigate the matter further, as circumstances may dictate.
- (b) A supervisor should 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 should 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.
- (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.

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- (g) The assigned officers should 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 should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked "Hate Crime."

#### **320.3.1 DETECTIVE SECTION RESPONSIBILITIES**

If a hate crime case is assigned to the Detective Section, the assigned investigator will be responsible for:

- (a) Coordinating further investigation with the City Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected hate crimes, as indicated or required by state law.

#### **320.4 TRAINING**

All members of this department should receive training on hate crime recognition and investigation.

#### **320.5 POLICY**

The St. Helens 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.

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## Standards of Conduct

### 321.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the St. Helens 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.

### 321.2 POLICY

The continued employment or appointment of every member of the St. Helens 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.

### 321.3 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.

#### 321.3.1 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 countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

### 321.3.2 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 his/her 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.

### 321.4 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.

#### 321.4.1 DUTY TO INTERVENE AND REPORT MISCONDUCT

An officer who observes another officer engaging in misconduct shall intervene to prevent or stop the conduct unless the officer cannot intervene safely. An officer who witnesses such conduct shall report the misconduct to a supervisor as soon as practicable, but not later than 72 hours after witnessing the misconduct (2020 Oregon Laws, c.5, § 2).

Failure to intervene or report the misconduct is grounds for discipline by the Department or suspension or revocation of the officers certification by the Department of Public Safety Standards and Training (2020 Oregon Laws, c.5, § 2).

Misconduct means (2020 Oregon Laws, c.5, § 2):

- (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

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- (c) Discrimination against a person based on race, color, religion, sex, sexual orientation national origin, disability, or age
- (d) A crime
- (e) A violation of the minimum standards for physical, emotional, intellectual, and moral fitness for public safety personnel under ORS 181A.410

### **321.5 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.

#### **321.5.1 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.

#### **321.5.2 ETHICS**

- (a) Using or disclosing one's status as a member of the St. Helens 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.

#### **321.5.3 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,

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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 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.

#### 321.5.4 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.

#### 321.5.5 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.

#### 321.5.6 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.

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- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (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.

#### 321.5.7 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 Personnel Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

#### 321.5.8 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:

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1. While on department premises.
  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.

### 321.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her 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-- 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.

#### 321.5.10 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.

#### 321.5.11 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.

### **321.6 HARMONY AND COOPERATION WITHIN THE DEPARTMENT**

Officers and employees of the department shall conduct themselves in a manner that will foster the greatest harmony and cooperation between each other and the organizational units of the department.

## Department Computer Use

### 322.1 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.

#### 322.1.1 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 St. Helens 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.

### 322.2 POLICY

It is the policy of the St. Helens Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

### 322.3 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.

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.

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Employees may not be asked for or required to provide their username, password or other means of authentication that provides access to their personal social media accounts unless otherwise allowed under ORS 659A.330.

#### **322.4 AGENCY PROPERTY**

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or nondepartmental use without the expressed authorization of an employee's supervisor

#### **322.5 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 supervisors or Patrol Sergeants.

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.

##### **322.5.1 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.

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#### **322.5.2 HARDWARE**

Access to technology resources provided by or through the Department shall be strictly 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 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.

#### **322.5.3 INTERNET USE**

Internet access provided by or through the Department shall be strictly 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.

Downloaded information shall be limited to messages, mail and data files.

#### **322.6 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.

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.

#### **322.7 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 his/her 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.

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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

### 323.1 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.

#### 323.1.1 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. 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 typist. 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.

### 323.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

#### 323.2.1 CRIMINAL ACTIVITY REPORTING

When a member 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 member 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:
  1. Use of Force Policy

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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

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., a dispatch log).

### 323.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Any time an officer points a firearm at any person
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (e) Any found property or found evidence
- (f) Any traffic collisions above the minimum reporting level (see the Traffic Collision Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

### 323.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Death Investigations 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
- (b) Suicides

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- (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

### **323.2.4 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.

### **323.2.5 MISCELLANEOUS INJURIES**

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) Attempted suicide.
- (c) The injury is major/serious, whereas 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 he/she deems necessary.

## **323.3 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.

### **323.3.1 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.

### **323.3.2 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.

## **323.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for



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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.

### **323.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Section 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 the Records Section may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

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## News Media Relations

### 324.1 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.

### 324.2 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, Lieutenants, Patrol Sergeants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

#### 324.2.1 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.

### 324.3 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). See 824.3.2.
  - (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.

### 324.3.1 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.

### 324.3.2 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 Sergeant. 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. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

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#### **324.4 INFORMATION SUBJECT TO RELEASE**

The Department will regularly maintain a information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Records Division . 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.

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 this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Patrol Sergeant. Such requests will generally be processed in accordance with the provisions of this policy.

##### **324.4.1 SCOPE OF INFORMATION SUBJECT TO RELEASE**

The release and inspection of public records is controlled by Policy Manual § 804 and Oregon Revised Statutes 192.410 through 192.505.

The record of an arrest or the report of a crime shall be disclosed unless there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim.

For purposes of this subsection, it is generally appropriate to disclose the following:

- (a) The arrested person's name, age, residence, employment, marital status and similar biographical information.
- (b) The offense with which the arrested person is charged.
- (c) The conditions of release.
- (d) The identity and biological information concerning both the complaining party and the victim. Specific information about sexual assault or hate crime victims should be disclosed only when the public's right to know clearly outweighs the victim's or the complaining party's right to privacy or safety.

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- (e) The identity of the investigating and arresting agency and the length of the investigation.
- (f) The circumstances of the arrest including time, place, resistance, pursuit and weapons used.
- (g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

### 324.4.2 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.

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## Subpoenas and Court Appearances

### 325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the St. Helens Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

### 325.2 POLICY

St. Helens Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

### 325.3 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.
- (c) By mail (civil subpoena only), if the service conditions of ORCP 55(D)(3) are met.

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).

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)).

#### 325.3.1 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 his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

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- (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 his/her 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 his/her association with the St. Helens Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the St. Helens 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.

### **325.3.2 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.

### **325.3.3 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

### **325.4 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.

### **325.5 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 his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

### **325.6 COURTROOM PROTOCOL**

When appearing in court, members shall:

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- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (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.

### **325.6.1 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.

### **325.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.



## Reserve Officers

### 326.1 PURPOSE AND SCOPE

The St. Helens Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

### 326.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The St. Helens 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.

#### 326.2.1 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.

#### 326.2.2 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 Municipal Court Judge 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.

#### 326.2.3 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.

### 326.3 DUTIES OF 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 Patrol Section. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

#### 326.3.1 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 he/she shall become thoroughly familiar with these policies.

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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.

### **326.3.2 RESERVE OFFICER ASSIGNMENTS**

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

### **326.3.3 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 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.

## **326.4 FIREARMS REQUIREMENTS**

Reserve officers have peace officer powers during his/her assigned tour of duty.

### **326.4.1 CARRYING WEAPON ON DUTY**

It is the policy of this department to allow probationary reserve officers to carry firearms off-duty only after completion of all field training requirements and with approval of the Chief of Police and the Reserve Liason Officer.

### **326.4.2 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 either at one of the regular in-service sessions or one scheduled specifically for reserves.

### **326.4.3 RESERVE OFFICER FIREARM TRAINING**

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual, the same as a regular officer.

## **326.5 RESERVE LEVELS**

Reserves are appointed and must complete the regional Reserve Academy. Upon successful completion, the Probationary Reserve must complete a Use of Force written test with a score of 100%, firearms instruction and qualification, and defensive tactics instruction. Probation is 18 months. During probation, the Probationary Reserve must complete a field

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training curriculum and ride at least 64 hours with a designated FTO. At the completion of probation, the Probationary Reserve advances in rank to Reserve Officer.

## Outside Agency Assistance

### 327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when responding to requests for both routine and emergency assistance outside and within city limits of St. Helens..

### 327.2 POLICY

It is the policy of the St. Helens Police Department to respond to requests for emergency assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department. Officers will not self dispatch to assist other law enforcement agencies. Officers will only respond to requests for assistance from other law enforcement agencies when the following circumstances exist:

1. Imminent life-threatening danger to a Law Enforcement officer or Citizen and the officer arrival may save lives. As soon as practical, officers will notify a supervisor of their response.

2. If the request for assistance is outside the city limits and does not meet the criteria outlined above, supervisory approval is needed prior to SHPD personnel leaving the city. If authorized by a supervisor, officers will not respond Code 3 unless the event elevates to the criteria identified above. Prior to authorizing personnel to leave the city jurisdiction, supervisors will consider the following:

- SHPD Patrol Staffing Levels. (As a general rule, 2 officers should remain inside the city limits)
- Type and severity of event. (Property Crime v. Person Crime)
- Has the requesting agency exhausted all other means to utilize their own resources?
- Distance outside the city limits of St. Helens.

3. Any request for SHPD assistance, other than Patrol or K-9 will only be authorized by a lieutenant or above. This includes, but is not limited to;

- Detectives
- Instructors
- Search Warrants
- DME's
- Negotiators

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### **327.3 ASSISTING OUTSIDE AGENCIES**

Calls for assistance from other agencies will be routed to the shift supervisor for approval. If an officer receives a request in the field for assistance, that officer will notify an on-duty supervisor and receive approval to respond. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Probation violators temporarily detained by this department will ordinarily be booked at the County Jail. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, a case number will be issued to report action taken by City of St. Helens Police Department Personnel.

### **327.4 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.

### **327.5 REPORTING REQUIREMENTS**

SHPD officers who respond outside city jurisdiction to assist other agencies will document the criteria justifying their actions on the Shift Activity Report prior to securing for the shift.

### **327.6 PRO ACTIVE POLICE ACTIVITY OUTSIDE CITY LIMITS**

Any police activity outside the city of St. Helens will require supervisory approval prior to leaving the city limits. This includes, but is not limited to, warrant service, investigative follow up and joint jurisdictional saturation patrol.

## Registered Offender Information

### 328.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the St. Helens 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.

### 328.2 POLICY

It is the policy of the St. Helens 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.

### 328.3 REGISTRATION

The Detective Section Supervisor 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, the investigator 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.

#### 328.3.1 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.

### 328.4 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.

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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 St. Helens Police Department's website.

The Police Support Specialist 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).

### 328.4.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register, who are in compliance with the offender registration laws and who the law permits to be included.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The information on the registry may not reflect the entire criminal history of a registered offender.
- (e) Anyone who uses information contained in the registry to harass or discriminate against registrants or commit any crime may be subject to criminal prosecution and/or civil action.

## Major Incident Notification

### 329.1 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.

### 329.2 POLICY

The St. Helens 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 and the public may be properly addressed.

### 329.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the Lieutenant. 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 Deaths 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
- The escape of a prisoner from police custody.
- Any other event likely to attract media attention

### 329.4 PATROL SERGEANT RESPONSIBILITY

The Patrol Sergeant is responsible for making the appropriate notifications. The Patrol Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Patrol Sergeant shall attempt to make the notifications as soon as practicable. Notification should be made during off-duty hours by calling the home telephone number first and then by cellular telephone.

#### 329.4.1 STAFF NOTIFICATION

In the event an incident occurs as described in this policy, the Chief of Police shall be notified along with the Lieutenant and the Detectives if that section is affected.



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### 329.4.2 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.

### 329.4.3 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

### 330.1 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.

### 330.2 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.

#### 330.2.1 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 St. Helens 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 St. Helens Police Department will work cooperatively with both the Medical Examiner's Office and the District Attorney in all death investigations.

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#### 330.2.2 SEARCHING DEAD BODIES

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Medical Examiner. The name and address of this person shall be included in the narrative of the death report. 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 or near death 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.

#### 330.2.3 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 the officer assigned to the incident. 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.

#### 330.2.4 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.

#### 330.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

#### 330.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Lieutenant or Detective Sergeant shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

## Missing Persons

### 331.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 331.1.1 DEFINITIONS

Definitions related to this policy include:

**At risk** - This includes persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
  1. Out of the zone of safety for his/her chronological age and developmental stage.
  2. Mentally or behaviorally disabled.
  3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
  4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
  5. In a life-threatening situation.
  6. In the company of others who could endanger his/her welfare.
  7. 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.
  8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
  9. Intellectual or developmental disability, or an impaired mental condition such as dementia or brain injury (ORS 181A.320).
  10. 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.

### 331.2 POLICY

The St. Helens Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation

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reveals otherwise. The St. Helens Police Department gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

Jurisdictional conflicts are to be avoided when a child is reported missing. If a missing child either resides in, or was last seen in this jurisdiction, this agency will immediately initiate the required reporting process. If a child resides in this jurisdiction and was last seen in another jurisdiction, but the law enforcement agency covering that jurisdiction chooses not to take a missing child report, this agency will assume reporting and investigative responsibility.

Questions concerning parental custody occasionally arise in relation to missing child reports. It shall be the policy of this agency to accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing children is paramount, members of this agency will open a case when it can be shown that the child has been removed, without explanation, from his or her usual place of residence. If custody has not been established by the Court, then the law-enforcement responsibility is to ensure the child is safe only.

#### **331.3 CHILD THIRTEEN OR YOUNGER OR PERSON "AT RISK"**

In cases where this agency has jurisdiction for the missing person investigation and the missing person is a person at risk, or a child thirteen years of age or less, the following steps will be taken:

- (a) A supervisor will be notified.
- (b) Detectives will be notified immediately, including after hours, and will begin an investigation after an initial search by patrol personnel.
- (c) The name, physical description, clothing and any suspected vehicle that may be involved shall be broadcast to other officers on duty. The locate information may also be disseminated to other agencies as appropriate.
- (d) A preliminary search for the missing person should be initiated based on the circumstances present. If the missing person is a child, obtain consent and conduct a complete search of the residence, curtilage, outbuildings, vehicles and other likely places of concealment.

If such a case is within the investigative responsibility of another jurisdiction and is reported to this agency, the employee receiving the report shall ensure that the appropriate law enforcement agency is immediately notified and shall coordinate with that agency as is reasonably necessary to promptly transfer the case.

#### **331.4 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

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are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

#### **331.5 INITIAL INVESTIGATION**

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) 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).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.
- (e) Ensure that 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.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
  1. A photograph and fingerprint card of the missing person, if available.
  2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  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).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

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#### 331.5.1 SEARCHES FOR CHILDREN WITH SPECIAL NEEDS

While cases of missing children with special needs should be treated as critical incidents requiring elevated responses by law enforcement and first responders, children with autism have an unusually high mortality rate and are especially at risk. Certain exceptions may apply for those special-needs children who are considered high-functioning and therefore should be assessed accordingly weighing all risk factors.

Because children with autism often have an extremely high attraction to water, first responders and search teams should immediately check all nearby bodies of water. These include but are not limited to streams, ponds, lakes, rivers, creeks, storm-water retention/detention basins, and backyard and public swimming pools. The use of canine teams should be used for the search.

#### **331.6 CONTINUING INVESTIGATION**

If the St. Helens Police Department has jurisdiction for the missing person investigation, it will be assigned for follow up. On-going investigations of missing persons should include, but not be limited to, the following actions:

- (a) Obtain releases for dental and medical records, and subpoenas for credit card transactions, bank records or other financial records as necessary. Copies of dental records and skeletal x-rays, if available, should be obtained and filed.
- (b) Check hospitals and the State Medical Examiners Office for information on deceased persons matching the description of the missing person.
- (c) Consider the need for more extensive area searches and obtain sufficient resources to assist in that effort.
- (d) Conduct interviews with friends, relatives, co-workers and persons in the vicinity of the location where the missing person was last seen.
- (e) If the missing person is a child, comply with the reporting guidelines for the National Center for Missing and Exploited Children.
- (f) Maintain regular contact with the relatives of the missing person and/or reporting party. Request immediate notification if they should have any contact with the missing person.
- (g) Consider the need for additional locate notices to be sent to other jurisdictions
- (h) Consider using the local media to locate the missing person with approval of the Chief of Police or his designee, and consultation with the family.
- (i) When a person reported missing to this department has not been located within 30 days after the missing person report is made, the assigned investigator shall attempt to obtain a DNA sample of the missing person or from family members of the missing person, and prepare any documentation necessary for use of the samples in conducting searches of DNA databases.

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### 331.7 DETECTIVE SECTION FOLLOW-UP

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.
- (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).



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### **331.8 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Detective Section Supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

### **331.9 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.

#### **331.9.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
  1. The reports should be promptly sent to the Records Section.
- (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.

#### **331.9.2 RECORDS SECTION RESPONSIBILITIES**

The responsibilities of the Records Section 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 Detective Section.

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- (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).

### **331.10 STATE AND FEDERAL NOTIFICATION**

If a missing person is under the age of 21, Records Section personnel shall enter the missing person into the Law Enforcement Data System (LEDS) and the National Crime Information Center (NCIC) Missing Person Files within two hours after accepting the report (42 USC 5779(a) and 42 USC 5780(3)).

### **331.11 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Police Support Specialist shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the Oregon State Police.
- (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 the Oregon State Police.
- (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)).

#### **331.11.1 UNIDENTIFIED PERSONS**

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself 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.

### **331.12 QUALITY ASSURANCE REVIEW**

All reports on calls in which it is determined that a child is actually missing or abducted will be forwarded by the Records Section to the Lieutenant for a Quality Assurance Review.

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That Quality Assurance Review will ensure that all of the appropriate procedures were followed and provide feedback to those involved in the initial response and follow up investigation, as well as their respective supervisors.

#### **331.13 CASE CLOSURE**

The Detective Section 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 City of St. Helens 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.

#### **331.14 TRAINING**

Subject to available resources, the Lieutenant 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 Mobile Audio Video (MAV)
  - 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).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.

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- (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.
- (o) Interacting with individuals with cognitive impairment, including dementia, intellectual and developmental disabilities, and brain injuries (ORS 181A.320).

## Identity Theft

### 332.1 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 own use the personal identification of another person (Oregon Revised Statutes 165.800). This policy is intended to provide guidelines for the reporting and investigation of such crimes.

### 332.2 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 he or she resides.
- (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 should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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## Private Persons Arrests

### 333.1 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).

### 333.2 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.

### 333.3 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.

### 333.4 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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## *Private Persons Arrests*

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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.

### **333.5 REPORTING REQUIREMENTS**

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a the appropriate criminal citation form.

In addition to the appropriate criminal citation (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.

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## Limited English Proficiency Services

### 334.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 334.1.1 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 St. Helens 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).

### 334.2 POLICY

It is the policy of the St. Helens 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.

#### 334.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.



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### **334.3 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 Patrol Lieutenant or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

- (a) Coordinating and implementing all aspects of the St. Helens 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 Sergeant and Communications Supervisor. The list should include information regarding the following:
  1. Languages spoken
  2. Contact information
  3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) 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.
- (f) 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.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) 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.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) 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.

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## *Limited English Proficiency Services*

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### **334.3.1 WRITTEN FORMS AND GUIDELINES**

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to department personnel and other appropriate individuals.

### **334.3.2 AUDIO RECORDINGS**

The Department may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

### **334.3.3 TELEPHONE INTERPRETER SERVICES**

The Columbia 911 Communications District maintains a list of qualified interpreter services. These services shall be available, to assist department personnel when communicating with LEP individuals via official cellular telephones.

### **334.3.4 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION**

Where competent bilingual department personnel or other City-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended and department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see Section V(3) of the DOJ Final Guidance available at the DOJ [website](#)).

## **334.4 FOUR-FACTOR ANALYSIS**

Since there are many different languages that members could encounter, the Department will 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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## *Limited English Proficiency Services*

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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.

### 334.4.1 FIELD ENFORCEMENT AND INVESTIGATIONS

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 which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in this policy to provide appropriate language assistance.

Although not every situation can be addressed within this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

### 334.4.2 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. 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 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.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

### 334.4.3 COMPLAINTS

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

### 334.4.4 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses

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and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

### **334.5 TYPES OF LEP ASSISTANCE AVAILABLE**

St. Helens 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 every reasonable effort 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 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.

### **334.6 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.

#### **334.6.1 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

### **334.7 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.

### 334.7.1 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.

### 334.7.2 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.

#### **334.8 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this department will 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.

#### **334.9 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The St. Helens Police Department will take reasonable steps and will work with the Personnel Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

#### **334.10 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.

#### **334.11 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.

### **334.12 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.

#### **334.12.1 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).

### **334.13 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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### **334.14 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.

### **334.15 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.

### **334.16 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 Lieutenant 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 Lieutenant 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

### 335.1 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.

#### 335.1.1 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.

### 335.2 POLICY

It is the policy of the St. Helens 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.

#### 335.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, department employees should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

### 335.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Lieutenant or the authorized designee.

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The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the St. Helens 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.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Patrol Sergeant and Communications Supervisor. 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.

### 335.3.1 FIELD RESOURCES

Individual officers and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

- (a) Hand gestures or written communications exchanged between the employee and a deaf or hearing impaired individual
- (b) Facing an individual utilizing lip reading and speaking slowly and clearly
- (c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual

### 335.3.2 AUDIO RECORDINGS AND ENLARGED PRINT

From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, employees may elect to read aloud a Department form or document such as a citizen complaint form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

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### **335.3.3 TELEPHONE INTERPRETER SERVICES**

The department will maintain a list of qualified interpreter services to be contacted at department expense to assist deaf or hearing impaired individuals upon approval of a supervisor. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed three hours).

### **335.3.4 TTY AND RELAY SERVICES**

Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this department.

### **335.3.5 COMMUNITY VOLUNTEERS**

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources developed by individual officers, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

### **335.3.6 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL**

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

## **335.4 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 he/she completely understands 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).

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- (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.

#### 335.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 911 lines as its top priority for assistance with such services. Department personnel will make every reasonable effort to promptly accommodate such disabled and impaired individuals utilizing 911 lines through any or all of the above resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this department.

#### 335.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Employees providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for this department to make every reasonable effort to provide effective communication assistance in these situations.

- (a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.
- (b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheel chair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.
- (c) Whenever a deaf or hearing impaired individual is detained or arrested and placed in handcuffs, officers should consider, safety permitting, placing the handcuffs in front of the body in order to allow the individual to sign or write notes.

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### **335.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS**

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 which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary, therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with a disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

### **335.4.4 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

### **335.5 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.

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

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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 St. Helens 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.

### **335.6 TYPES OF ASSISTANCE AVAILABLE**

St. Helens 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.

### **335.7 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.

### **335.8 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.

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- (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 his/her own interpreter (28 CFR 35.160).

#### **335.9 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.

#### **335.10 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.

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.

#### **335.11 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.

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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.

### **335.12 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.

### **335.13 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 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.



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### 335.13.1 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.

### 335.14 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 he/she understands the process and desires 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.

#### 335.14.1 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).

### 335.15 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 he/she prefers a

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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.

#### **335.16 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.

#### **335.17 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.

#### **335.18 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:

- (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 Lieutenant 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

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such individuals should receive refresher training at least once every two years thereafter. The Lieutenant 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

### 336.1 PURPOSE AND SCOPE

This policy establishes procedures for the investigation and enforcement of stalking complaints (ORS 163.730 et seq.).

### 336.2 POLICY

Stalking behavior frequently results in serious injury and emotional trauma to victims and it is the policy of the St. Helens 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.

### 336.3 UNIFORM STALKING COMPLAINT

The Department will make available an Oregon Uniform Stalking Complaint form to any person desiring to file a stalking complaint regardless of where the violation is alleged to have occurred. Officers will provide reasonable assistance as necessary to petitioners to properly complete and sign the form.

Upon receipt of a Uniform Stalking Complaint, officers shall complete a thorough investigation. All stalking incident reports and the results of any investigation shall be forwarded to the District Attorney's Office within three days, regardless of whether any civil or criminal action was taken (ORS 163.744; ORS 163.738(7)).

### 336.4 UNIFORM STALKING CITATION

If after investigating a stalking complaint the officer has probable cause to believe that the offense of stalking has occurred as provided in ORS 163.732(1), the officer shall issue and attempt to serve a Uniform Stalking Citation to the respondent to appear in court within three judicial days of service to determine if a Stalking Protective Order will be issued (ORS 163.735; ORS 163.738).

#### 336.4.1 SERVICE OF STALKING CITATIONS

If the Uniform Stalking Citation is served on a respondent, the District Attorney's Office will initiate the hearing process. Officers should:

- (a) Advise the respondent of the following:
  1. The court date and time and location of appearance
  2. The contents of the citation and the state and federal law restrictions contained on the front and back of the respondent's copy of the citation
  3. That if the respondent fails to appear at the hearing, a warrant will be issued for their arrest, as well as a Stalking Protective Order
  4. That engaging in behavior that alarms or coerces the petitioner may result in their arrest

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- (b) Provide a copy to the petitioner and advise the petitioner that they must also appear at the hearing or the complaint will be dismissed and the Stalking Protective Order will not be issued.

If there is probable cause to issue a citation, but the citation is not served, officers should:

- (a) Document attempts to serve the respondent.
- (b) Refer the victim to the following for assistance in obtaining a civil Stalking Protective Order:
  1. A private attorney
  2. Legal Aid
  3. The District Attorney's office Victim Assistance Unit

### **336.5 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.

#### **336.5.1 STALKING PROTECTIVE ORDERS**

Once the court issues a 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).

### **336.6 RESTRAINING ORDERS**

Court stalking orders and restraining orders are different and are not mutually exclusive. Stalking reports may be appropriate even if a valid restraining order is in place.

# Response to Homeland Security Advisory Systems - Threat Condition

## 337.1 PURPOSE AND SCOPE

The material contained in this policy is intended to provide guidance to the members of the St. Helens Police Department in determining and enacting the proper responsive steps to the varying threat condition levels enacted by the Department of Homeland Security and publicized via the Homeland Security Advisory System

### 337.1.1 POLICY

The St Helens Police Department recognizes the need to protect community members, visitors and property from terrorist threats or emergencies arising from terrorist actions. It is the intention of the St Helens Police Department to adequately prepare for such emergencies using the resources available.

This policy is a general guideline intended to assist the law enforcement officer to adequately prepare for an emergency arising from terrorist actions. This policy should be used in conjunction with other department policies, and resources including the Department of Homeland Security Advisory System

### 337.1.2 SEVERE THREAT CONDITION (RED)

Recommended Actions for Severe Threat Level (Red). A Severe Threat Level reflects a severe risk of a terrorist attack. Under most circumstances, the protective measures for a Severe Threat are not intended to be sustained for substantial periods of time.

- (a) Complete recommended actions at lower levels, and
- (b) Notify City of St. Helens government leaders of declaration of threat condition.
- (c) Notify Police Department administration of declaration of threat condition
- (d) Announce threat condition to city employees and to the public
- (e) Be alert to suspicious activity.
- (f) Work with local community leaders, emergency management, government agencies, community organizations, and utilities to meet immediate needs of the community.
- (g) Be prepared to work with a dispersed or smaller work force.
- (h) Ensure mental health counselors are available for employees.
- (i) Consider the following actions:
  1. Increasing or redirecting personnel to address critical emergency needs.
  2. Assigning emergency response personnel and pre-positioning and mobilizing specially trained teams or resources; i.e. C.I.R.T., K-9.

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3. Monitoring, redirecting, or constraining transportation systems.
4. Closing public and government facilities.
5. Be prepared to evacuate persons living or working near threatened facilities
6. Be prepared to evacuate police buildings and operate police functions from other locations
7. Cancel or delay unnecessary employee travel or leave.
8. Activation of Emergency Operations Center
9. Security for City personnel involved in repair / maintenance of City infrastructure systems.

### 337.1.3 HIGH THREAT CONDITION (ORANGE)

Recommended Actions for High Threat Level (Orange). A High Threat Level is declared when there is a high risk of terrorist attacks. In addition to the recommended actions at lower levels, you should consider the following:

- (a) Complete recommended actions at lower levels, and
- (b) Notify Police Department administration of declaration of threat condition
- (c) Be alert to suspicious activity.
- (d) Restrict all access on police property to essential personnel only, to include police department/ facilities and vehicles. i.e. no ride alongs, tours, etc.
- (e) 100% identity checks and escorts for any non-employees inside police department or other police facilities.
- (f) Police department doors to remain closed and locked when not in use (this does not apply to public entrance during normal business hours).
- (g) Frequent patrol of government and industrial facilities to include, courthouses, public water systems, utilities, schools, city offices/City Hall, Boise Cascade, Armstrong, etc.
- (h) Review emergency plans to include continuity of operations.
- (i) Prepare to handle inquiries from anxious citizens and media.
- (j) Review emergency plans with employees
- (k) Consider the following actions:
  1. Coordinating necessary security efforts with Federal, State, and other local law enforcement agencies, National Guard or other appropriate armed forces organizations.
  2. Taking additional precautions at public events and possibly considering altering venues or even cancellation.

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3. Preparing to execute contingency procedures, such as moving to an alternate facility or dispersing the workforce.

### 337.1.4 ELEVATED THREAT CONDITION (YELLOW)

Recommended Actions for Elevated Threat Level (Yellow). An Elevated Threat Level is declared when there is significant risk of terrorist attacks. In addition to the recommended actions at lower levels, you should consider the following:

- (a) Complete recommended actions at lower levels, and
- (b) Be alert to suspicious activity.
- (c) Increasing patrol presence of critical locations.
- (d) Coordinate emergency plans as appropriate with nearby jurisdictions.
- (e) Assess whether the precise characteristics of the threat require the further refinement of preplanned protective measures.
- (f) Implement as appropriate, contingency and emergency response plans.

### 337.1.5 GUARDED THREAT CONDITION (BLUE)

Recommended Actions for Guarded Threat Level (Blue). A Guarded Threat Level is declared when there is a general threat of terrorist attacks. In addition to the recommended actions at lower levels, you should consider the following:

- (a) Complete recommended actions at lower levels, and
- (b) Be alert to suspicious activity
- (c) Dialogue with community leaders, emergency management, government agencies, community organizations, and utilities about disaster preparedness.
- (d) Ensure emergency plans are updated to include purchase of needed equipment.
- (e) Monitor status of electricity generator and other emergency equipment and instruct employees with their proper use.
- (f) Employees should discuss communication plans with family to include meeting places away from home.
- (g) Provide the public with any information that would strengthen its ability to prepare appropriately.

### 337.1.6 LOW THREAT CONDITION

Recommended Actions for Low Threat Level (green). A Low Threat Level is declared when there is a low risk of terrorist attacks.

Consider the following:

- (a) Develop and refine written emergency plans to address hazards and threats.



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## *Response to Homeland Security Advisory Systems - Threat Condition*

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- (b) Ensure that employees are properly informed and trained in emergency plans and actions involving terrorist attacks.
- (c) Ensure police buildings and property are regularly assessed for vulnerabilities to terrorist attacks, and all reasonable measures are taken to mitigate these vulnerabilities.

## Emergency Action Plan

### 338.1 BUILDING EVACUATION

In the event of a fire, or other catastrophe where evacuation of the building becomes necessary, members are to leave the building from their location . If the event occurs when records staff is present, a member of the records staff will determine if time allows to shut down the computer servers in the computer room. If time does not allow, based on the event, no shutdown will be done.

After leaving the building, all members, and any citizens that may have been in the building, are to assemble in the parking lot on the north side of the building. The supervisor or senior officer on duty will account for all members of the staff and public. The supervisor or senior officer on duty will designate an individual to contact the 911 system through whatever means are necessary to request emergency response to the building.

The supervisor or senior officer on duty will designate specific individuals to conduct any needed, and possible, rescue operations and to provide first aid until medical responders arrive.

If, after evacuation, there is a power loss, and temporary re-entry to the building is possible, the supervisor or senior officer on duty is to assign someone to start, and hook up the portable generator in order to maintain communications.

In the event of a catastrophe involving the entire area the supervisor or senior officer on duty may set up a system wherein members may see to the needs of their family. This must be done on a rotation basis so as to keep enough people on duty to complete our mission of protecting the community.

It is the responsibility of each supervisor to practice the evacuation of the building once a year with the members of their respective shift. The evacuation is to be practiced during the month of March each year. During the evacuation practice you are to actually hook up and operate the portable generator. Each supervisor is to see that each member of your respective shift knows how to hook up and operate the portable generator.

Employees may contact the department Lieutenant for more information regarding this plan.

All employees are designated to assist in the safe evacuation of other employees. As such, all employees must be provided training in emergency evacuation procedures. All employees must review the plan when hired, when the employee's responsibilities under the plan change, or when the plan changes.

# Use Of Vehicle For Home To Work / Work To Home Travel

## 339.1 PURPOSE AND SCOPE

Take-home cars are assigned to certain duty assignments to facilitate the operational needs of the department. The purpose of this policy is to create a balance between the identified operational need of the department and the wear and tear inflicted on department vehicles used for portal-to-portal (home to work) travel by employees. In addition, this policy defines the two different classifications of department vehicles.

### 339.1.1 PHILOSOPHY

The assignment of department vehicles to specific duty assignments is made pursuant to operational need of the department and is not compensatory in nature. Nothing in this policy is intended to or shall bestow a right or entitlement to any employee to have a vehicle assigned to their duty assignment or to be authorized to use a vehicle for portal-to-portal (home to work) travel.

### 339.1.2 POLICY

Employees will not use alcohol during the operation of a department vehicle. Employees will not operate department vehicles if intoxicated or impaired using alcohol or drugs (i.e., medications).

Employees found intoxicated or impaired operating a department vehicle and who have damaged property may be held financially responsible for all costs incurred.

### 339.1.3 CLASSIFICATIONS OF VEHICLES

Vehicles owned and operated by the Columbia Enforcement Narcotics Team (CENT) are managed by the Police Department as empowered and directed by the CENT Board of Directors. The decision to authorize portal-to-portal (home to work) use of CENT vehicles is retained by the Board of Directors.

Vehicles owned and operated by the St. Helens Police Department are managed by the administration of the Police Department. The decision to authorize portal-to-portal (home to work) use of SHPD vehicles is retained by department administration.

### 339.1.4 ASSIGNMENT OF VEHICLES TO DUTY ASSIGNMENTS

The assignment of vehicles for use by employees in specific duty assignments will be made by the department administration based on operational need. Take home cars are emergency police vehicles which are taken home by officers for operational reasons in that those assigned a vehicle for this purpose are responsible to respond directly from home to emergency situations. The City retains the discretion to assign a take home car on an exceptional or intermittent basis whenever it is determined advantageous to do so.

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## *Use Of Vehicle For Home To Work / Work To Home Travel*

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### 339.1.5 EXCEPTIONS

Exceptions to the policy stated herein may be granted on a case by case and/or intermittent basis. Any exception granted will be on a non-precedent setting basis and will be made solely at the discretion of the Chief of Police.

## Service Animals

### 340.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The St. Helens 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.

### 340.2 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).

#### 340.2.1 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).

#### 340.2.2 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.

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## *Service Animals*

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### **340.3 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 St. Helens 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 his/her 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

## 341.1 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 are proven to be a valuable asset to law enforcement agencies. While they do not serve in an enforcement or investigative capacity, volunteers help to increase departmental responsiveness, delivery of services and information input during special events, emergencies, natural disasters or any other activity that is not typically a duty of the paid staff. Volunteers may be helpful in providing new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

### 341.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, interns, persons providing administrative support, Citizen's Police Academy Alumni and Community Emergency Response Team (CERT) members. For the purpose of this policy, unpaid reserve police officers are not considered volunteers and are addressed under section 350 of this manual.

## 341.2 VOLUNTEER MANAGEMENT

### 341.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be a member of the Police department management team and appointed by the Chief of Police or his/her designee. 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 during special events or unexpected events in which volunteers are utilized.

The Volunteer Coordinator should work with other Department staff on an on-going basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.

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(h) Planning periodic recognition events.

(i) Administering discipline when warranted.

(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

#### 341.2.2 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.

#### 341.2.3 SCREENING

All prospective volunteers should complete the volunteer application form.

A documented background investigation shall be completed on each volunteer applicant and at a minimum will include a traffic and criminal background check. At the discretion of the Volunteer Coordinator the background may be expanded to include;

- (a) Employment.
- (b) References.
- (c) Credit check.

If after the completion of the applicable training course (i.e. CERT) the volunteer is to have unescorted access in the police facility, the volunteer must be fingerprinted in compliance with all CJIS policies.

#### 341.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department. Volunteers will not conduct any investigation, take any enforcement action and shall only be utilized as outlined in this policy

#### 341.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.



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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 their supervisor or 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.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

### 341.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor 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.

### 341.2.7 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.

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 he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

### 341.2.8 LIABILITY COVERAGE

Liability coverage for covered volunteers will be pursuant to City provisions.

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### **341.3 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. The Volunteer Coordinator shall be responsible for the direct supervision of all volunteers. 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. From time to time and depending on the particular event or situation, any member of this department may work side by side and be in control of the particular task that may involve some indirect guidance or direction given to the volunteer. The department Volunteer Coordinator will always be available to other members of this department for direct supervision when volunteers are utilized.

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 the Volunteer Coordinator or a designee. Regardless the supervision authority of a volunteer, they shall never have authority or be in control of a particular event or situation if a paid full-time employee is present. 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.

### **341.4 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 nondisclosure 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.

### **341.5 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.

### 341.5.1 VEHICLE USE

Volunteers assigned to duties that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing and department approved driver safety course.
- (b) Verification that the volunteer possesses a valid Oregon Driver's License.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year. When operating a Department vehicle, volunteers shall obey all rules of the road, including seatbelt requirements. Smoking is prohibited in all Department vehicles. Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service. Volunteers are not authorized to operate any emergency equipment.

### 341.5.2 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.

## **341.6 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 his/her name through a liberty interest hearing 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.

### 341.6.1 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.

## **341.7 EVALUATION**

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the

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best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

## Off-Duty Law Enforcement Actions

### 342.1 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 St. Helens Police Department with respect to taking law enforcement action while off-duty.

### 342.2 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 he/she reasonably believes 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.

### 342.3 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 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 or when the need to carry a firearm is outweighed by safety considerations. 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.

### 342.4 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.

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- (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.

### 342.4.1 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 should loudly and repeatedly identify him/herself as an St. Helens Police Department officer until acknowledged. Official identification should also be displayed.

### 342.4.2 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.

### 342.4.3 CIVILIANNONSWORN 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.

### 342.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

## **342.5 REPORTING**

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Patrol Sergeant as soon as practicable. The Patrol Sergeant 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.

# Native American Graves Protection and Repatriation

## 343.1 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.).

### 343.1.1 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.

## 343.2 POLICY

It is the policy of the St. Helens 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.

## 343.3 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.

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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

### **343.4 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).



## Child and Dependent Adult Safety

### 344.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

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 Adult Abuse Policy.

#### 344.1.1 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children may have when their parent or caregiver is arrested. The St. Helens Police Department will endeavor to create a strong cooperative relationship with local, state and community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

### 344.2 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 St. Helens 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.

#### 344.2.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, dependent minor children.

Officers should allow the arrestee reasonable time to arrange for care of minor children. Temporary placement of the child with family or friends may be appropriate. However, any decision should give priority to a child-care solution that is in the best interest of the child. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of minor children with a responsible party, as appropriate.
  1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent's judgment regarding arrangements for child care. It is generally best if the child remains with relatives or family friends the child knows and trusts. Consideration regarding the child's familiarity with the surroundings, comfort, emotional state and safety should be paramount.

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2. Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children with the non-arrested parent or guardian.
  - (b) Provide for the immediate supervision of minor children until an appropriate caregiver arrives.
  - (c) Notify Child Protective Services if appropriate.
  - (d) Notify the field supervisor or Patrol Sergeant of the disposition of minor children.

If children are at school or at a known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the parent's arrest and of the arrangements being made for the care of the arrestee's children, and then record the result of such actions in the associated report.

### **344.2.2 DURING THE BOOKING PROCESS**

During the booking process the arrestee shall be allowed to make additional free local phone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child. These phone calls shall be given immediately upon request or as soon as practicable and are in addition to any other phone calls allowed by law.

### **344.2.3 REPORTING**

For all arrests where children are present or living in the household, the reporting employee will include information about the children, including names, gender, age and how they were placed.

### **344.3 PROCEDURES DURING AN ARREST**

When encountering an arrest or prolonged detention situation officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

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Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

#### 344.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of 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 children and dependent adults with a responsible party, as appropriate.
  1. 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 with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  2. 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.
- (b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (c) Notify Child Protective Services, if appropriate.
- (d) Notify the field supervisor or Patrol Sergeant of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

#### 344.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any

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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 child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

### 344.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Special needs (e.g., medical, mental health)
  - 5. How, where and with whom or which agency the child was placed
  - 6. Identities and contact information for other potential caregivers
  - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Whether he/she reasonably appears able to care for him/herself
  - 5. Disposition or placement information if he/she is unable to care for him/herself

### 344.3.4 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.

### **344.4 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.

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

### **344.5 TRAINING**

The Lieutenant 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.

## Custodial Searches

### 345.1 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 St. Helens 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.

#### 345.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody Search** - An in-custody search of an individual and of his/her 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 his/her 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 his/her underclothing, buttocks, genitalia or female breasts are visible.

### 345.2 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.

### 345.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, 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.

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### **345.4 SEARCHES AT POLICE FACILITIES**

Custody searches shall be conducted on all individuals in custody, upon entry to the St. Helens 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.

#### **345.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's St. Helens Police Department identification number and information regarding how and when the property may be released.

#### **345.4.2 VERIFICATION OF MONEY**

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

#### **345.4.3 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.

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#### **345.5 STRIP SEARCHES**

No individual in temporary custody at any St. Helens 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).

#### **345.5.1 STRIP SEARCH PROCEDURES**

Strip searches at St. Helens Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Patrol Sergeant 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:



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1. The facts that led to the decision to perform a strip search.
  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 Sergeant.
  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 his/her 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 he/she otherwise qualifies 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 his/her privacy and dignity.

### **345.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES**

A strip search may be conducted in the field only with Patrol Sergeant 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 Sergeant authorization does not need to be in writing.

### **345.6 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following:

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- (a) No individual shall be subjected to a physical body cavity search without written approval of the Patrol Sergeant and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician may conduct a physical body cavity search.
- (c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
  1. The facts that led to the decision to perform a physical body cavity search of the individual.
  2. The reasons less intrusive methods of searching were not used or were insufficient.
  3. The Patrol Sergeant's approval.
  4. A copy of the search warrant.
  5. The time, date and location of the search.
  6. The medical personnel present.
  7. The names, sex and roles of any department members present.
  8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

### **345.7 TRAINING**

The Lieutenant shall ensure members have training in, at a minimum (28 CFR 115.115):

- Conducting searches properly in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.
- Conducting cross-gender searches.
- Conducting searches of transgender and intersex prisoners.

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### **345.8 CLOSED CONTAINER SEARCHES**

Closed containers will not be opened for inventory purposes except for the following, which shall be opened for inventory: wallets, purses, coin purses, fanny packs, personal organizers, briefcases, back packs or other closed containers designed for carrying money or small valuables, or closed containers which are designed for hazardous materials.

Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of \$10, valuables or a hazardous material.

## Prisoner Transports

### 346.1 PURPOSE AND SCOPE

This policy establishes procedures for the safe transport of prisoners to other facilities.

### 346.2 INTOXICATED PERSONS

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 him/herself or to any other person, shall transport the individual to the nearest appropriate treatment facility (ORS 430.399).

If the person is in need of medical attention, an ambulance should be summoned to transport the person to the nearest emergency room.

Any person who is arrested for a criminal offense and who is in need of emergency medical treatment due to drug or alcohol intoxication, or any other reason, shall immediately be taken to the nearest appropriate treatment facility.

### 346.3 TRANSPORTATION OF PRISONERS

Whenever a prisoner is to be transported to another facility by a member of this department the transporting officer shall be responsible for the following:

- (a) Verify the identity of each prisoner to be transported matches the booking paperwork;
- (b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, itemized list of prisoner's property, warrant copies, etc.
- (c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility.

### 346.4 PRISONER WITH ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, persons who are arrested shall be permitted to retain possession of an orthopedic or prosthetic appliance if it is prescribed or recommended and fitted by a physician. However, if the appliance presents a risk of bodily harm to any person or is a risk to the officer, the appliance shall be removed from the prisoner and booked for safekeeping but shall be promptly returned if it is later determined that such risk no longer exists.

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#### **346.5 SECURITY**

One officer will transport a maximum of two prisoners. The exception to this policy would be in unusual incidents where there are mass arrests made.

Prisoners of the opposite sex should be transported separately. Juveniles should not be transported with adult prisoners.

When the prisoner and officer are of opposite sex, the officer will give mileage readings at the beginning and at the end of every transport.

Prior to transport to a jail facility, officers will inform dispatch that they are enroute with a prisoner, their destination and the name. The officer will advise any receiving agency personnel of any potential medical or security hazards.

While transporting prisoners the officer's primary responsibility is the prisoner. The officer will not become involved in traffic stops or other investigations that endanger the prisoner or offer opportunity for escape.

The officer will notify the appropriate facility or court when a prisoner that they are transporting is considered an unusual security risk.

When transporting prisoners to Columbia County Jail or other prisoner facilities the officer will secure their firearm either in a lock box or the trunk. This will be done prior to releasing the prisoner out of the vehicle.

#### **346.6 PRISONER ESCAPE**

If an arrested person escapes from an officer's custody then the officer shall immediately notify a supervisor and dispatch.

The shift supervisor will evaluate the situation and determine what steps are necessary to locate and apprehend the suspect.

A report will be prepared by the involved transporting officer detailing the prisoner escape and actions taken.

#### **346.7 HANDLING OF PRISONER'S PROPERTY**

Officers shall take care in the handling of prisoner's property to avoid discrepancies or losses.

Any personal property belonging to the prisoner but retained by the officer, such as a driver's license, pocketknife, wallet, and other similar property, shall be placed in a property bag, and sealed. A list of the property shall be included on the booking form. Any property too large shall be booked into property for safekeeping.

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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. Where a receipt is issued, it should be mentioned in the arrest report.

### **346.8 VERIFICATION OF PRISONER'S MONEY**

All money belonging to the prisoner and retained by the officer shall be counted in front of the prisoner. When possible, the prisoner should initial the dollar amount on the property sheet. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope 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 sealed in an envelope.

All envelopes should clearly indicate the contents on the front. The person sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added to the cash envelope, the officer making such change shall enter the amount below the original entry and initial it. The total amount of money in the envelope should always be computed and written on the outside of the envelope.

### **346.9 RELEASE OF PRISONER'S PROPERTY**

Release of any prisoner's property to any person requires the recipient's signature on the appropriate form.

## Extreme Risk Protection Orders

### 347.1 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.

#### 347.1.1 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** - An order prohibiting a named person from having in his/her custody or control, owning, purchasing, possessing, receiving, or attempting to purchase or receive a deadly weapon.

### 347.2 POLICY

It is the policy of the City of St. Helens 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.

### 347.3 EXTREME RISK PROTECTION ORDERS

An officer who reasonably believes a person presents a risk in the near future, including an imminent risk of suicide or causing physical injury to another person, may request permission from his/her supervisor to petition the court for an extreme risk protection order. The petition must be supported by a written affidavit signed under oath or by a sworn oral statement (ORS 166.527).

### 347.4 SERVICE

The person shall be personally served with a copy of the extreme risk protection order and a hearing request form. The officer assigned to serve the order and hearing request form shall 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).

If service of the order cannot be completed within 10 days, the officer shall notify the petitioner at the address he/she 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).

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## *Extreme Risk Protection Orders*

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### **347.5 POLICE SUPPORT SPECIALIST RESPONSIBILITIES**

The Police Support Specialist 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).

### **347.6 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).

### **347.7 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.

### **347.8 RENEWAL OF EXTREME RISK PROTECTION ORDER**

The Detective Section supervisor is responsible for the review of any extreme risk protection order obtained by the Department to determine if renewal should be requested within the time prescribed by law (ORS 166.535).



## 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 St. Helens Police Department, respond to citizen calls for assistance, 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 collisions, the maintenance of public order, and the discovery of hazardous situations or conditions
- (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 Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature
- (g) The sharing of information between the Patrol and other sections 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 Oriented Policing and problem solving strategies
- (i) Traffic direction and control

#### 400.1.2 TERRORISM

It is the goal of the St. Helens Police Department 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 as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report. The supervisor should ensure that all terrorism related reports are forwarded to the Detective Section Supervisor in a timely fashion.

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## *Patrol Function*

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### **400.2 PATROL INFORMATION SHARING PROCEDURES**

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various sections of the St. Helens Police Department.

#### **400.2.1 CRIME REPORTS**

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate section for retention or follow-up investigation.

#### **400.2.2 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 consider enforcement of 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 St. Helens 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, 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 St. Helens 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 his/her 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.

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### 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, Field Interview (FI) card), 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.

### 401.5 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 his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource 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.

### 401.6 ADMINISTRATION

The Patrol Lieutenant should 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, citizen, 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 should review the annual report and discuss the results with those they are assigned to supervise.

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## *Bias-Based Policing*

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### **401.7 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Lieutenant.

#### 401.7.1 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

The Lieutenant 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 Training

### **402.1 PURPOSE AND SCOPE**

Briefing training is generally conducted before a patrol officer's assigned shift. Briefing training provides an opportunity for important exchange between employees and supervisors. A supervisor generally conducts Briefing training; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying officers of changes in schedules and assignments
- (c) Notifying officers of new Interim Directive or changes in Interim Directive
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

### **402.2 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 his or her absence or for training purposes.

### **402.3 RETENTION OF BRIEFING TRAINING RECORDS**

Briefing training materials and a curriculum or summary shall be forwarded to the Lieutenant for inclusion in training records, as appropriate.

## 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 St. Helens 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 he/she is 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.



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## *Crime and Disaster Scene Integrity*

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### **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 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 citizens 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

The St. Helens Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under the age of 15-years
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

#### 404.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, at most times of the day or night, with certain exceptions. Exceptions may be made as approved by the the Watch Commander.

### 404.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Watch Commander. The participant will complete a ride-along waiver form. Information requested will include a valid ID or Oregon driver's 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 Form.

The Watch Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Patrol Sergeant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

#### 404.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

#### **404.2.2 SUITABLE ATTIRE**

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Patrol Sergeant or field supervisor may refuse a ride along to anyone not properly dressed.

#### **404.2.3 PEACE OFFICER RIDE-ALONGS**

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Patrol Sergeant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

#### **404.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK**

All Ride-along applicants are subject to a criminal history check. The criminal history check will include a local records check, and inquiries to the National Crime Information Center (NCIC), Computerized Criminal History (CCH), and a Department of Motor Vehicles (DMV) records checks via the Law Enforcement Data System (LEDS) prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the St. Helens Police Department). The printed inquiry responses will be attached to the request and forwarded to the on-duty Patrol Sergeant who will approve or disapprove the ride-along and schedule the appointment.

#### **404.3 OFFICER'S RESPONSIBILITY**

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

#### **404.4 CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment

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- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

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## 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, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

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) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of immediate area and surrounding areas dependent on substance.

### 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 by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. 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 memorandum.

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, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

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The employee or employees 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.

## Hostage and Barricade Incidents

### 406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

#### 406.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

### 406.2 POLICY

It is the policy of the St. Helens Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

### 406.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

#### 406.3.1 EMERGENCY COMMUNICATIONS

A supervisor who has probable cause to believe that a hostage is being held may order a telephone company to cut, reroute or divert telephone lines to prevent a suspect from communicating with anyone other than officers or other designated individuals (ORS 165.549).

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#### **406.4 FIRST RESPONDER CONSIDERATIONS**

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

##### **406.4.1 BARRICADE SITUATION**

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.



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- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

### 406.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

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- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

#### **406.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit (CRU) response if appropriate and apprising the CRU Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or C-Com.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

#### **406.6 CRISIS RESPONSE UNIT RESPONSIBILITIES**

It will be the Incident Commander's decision, with input from the CRU Commander, whether to deploy the CRU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CRU Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the CRU.

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The Incident Commander and the CRU Commander or the authorized designee shall maintain communications at all times.

### **406.7 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

## Response to Bomb Calls

### 407.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

### 407.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (b) A minimum perimeter of 300 feet should be established around the location of the device. An access point should be provided for support personnel.
- (c) As much information as is available should be promptly relayed to the Patrol Sergeant including:
  1. The stated threat.
  2. Exact comments.
  3. Time of discovery.
  4. Exact location of the device.
  5. Full description (e.g., size, shape, markings, construction) of the device.
- (d) The device should not be touched or moved except by qualified bomb squad personnel.
- (e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.
- (f) Consideration should be given to evacuating any buildings near the device.
- (g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.

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## *Response to Bomb Calls*

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### **407.3 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate actions to mitigate scene hazards such as collapsed structures, blood borne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

#### **407.3.1 NOTIFICATIONS**

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

- (a) Fire Department
- (b) Emergency Medical assistance
- (c) Explosive Disposal Unit
- (d) Additional officers
- (e) Field supervisor
- (f) Patrol Sergeant
- (g) Detectives
- (h) Forensic Science Services

#### **407.3.2 CROWD CONTROL**

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

#### **407.3.3 SCENE OF INCIDENT**

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

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### *Response to Bomb Calls*

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#### **407.4 BOMB THREATS RECEIVED AT POLICE FACILITY**

This procedure shall be followed should a bomb threat call be received at the police facility.

##### **407.4.1 BOMB THREATS RECEIVED BY TELEPHONE**

The following questions should be asked if a bomb threat call is received at the Police Department:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

##### **407.4.2 RESPONSIBILITIES**

The employee handling the call shall ensure that the Patrol Sergeant is immediately advised and fully informed of the details. The Patrol Sergeant will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

## 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 St. Helens 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 him/herself 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 him/herself or to another person. The director is mandated to prepare a report for the officer to deliver to the treating 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 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 he/she was taken into custody, unless the person declines that service.

#### 408.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a civil commitment.
- (b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

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### *Civil Commitments*

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#### 408.3.2 RESTRAINTS

If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

#### 408.3.3 MENTAL HEALTH DOCUMENTATION

The officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

#### 408.3.4 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

#### 408.3.5 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 state hospital operated by the Oregon Health Authority (OAR 859-200-0310).

#### **408.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions (e.g., information from LEDS).
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Available community or other resources available to assist in dealing with mental health issues.



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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.

Civil commitments should be preferred over arrest for individuals with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

#### **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 his/her 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 C-Com notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual 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, Patrol Sergeant approval 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 a 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.

#### **408.7 DOCUMENTATION**

The officer should complete an application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the application for emergency admission for inclusion in the case report.

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The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

#### **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:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.
- (c) Facilitate the individual's transfer to the jail facility.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, 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).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

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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.

### **408.10 TRAINING**

This department will endeavor to 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 St. Helens 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 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).

#### 409.2.1 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).

### 409.3 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 he/she could be a danger to himself/herself or to others (release may occur as soon as this condition no longer exists).
  1. 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 him/herself 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.

#### 409.3.1 FINGERPRINTS AND PHOTOGRAPHS

In certain cases, it may be appropriate to fingerprint and photograph persons prior to citing and releasing them. In such cases, the person shall be taken into custody and transported to the Columbia County Sherrifs Office for that purpose, after which, they may be issued a citation and released.

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## *Citation Releases*

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### **409.4 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.

### **409.5 POLICY**

The St. Helens 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.

## Arrest or Detention of Foreign Nationals

### 410.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate our authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his or her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the US Department of State website.

#### 410.1.1 DEFINITIONS

**Foreign National** - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

**Immunity** - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

### 410.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

### 410.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

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## *Arrest or Detention of Foreign Nationals*

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### 410.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities.

### 410.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

### 410.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

## **410.4 IDENTIFICATION**

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state.

### 410.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have Oregon license plates with an "honorary consul"

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label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.

### **410.5 ENFORCEMENT PROCEDURES**

The following procedures provide a guideline for handling enforcement of foreign nationals:

#### **410.5.1 CITABLE OFFENSES**

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

- (a) Identification documents are to be requested of the claimant
- (b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear
- (c) The violator shall be provided with the appropriate copy of the notice to appear

#### **410.5.2 IN-CUSTODY ARRESTS**

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 410.7 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others).

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

- (a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered), The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.
- (b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity



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documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of Foreign Missions	Diplomatic Security Service
San Francisco, CA	915 Second Avenue, Room 3410
(415) 744-2910, Ext.. 22 or 23	Seattle, WA 98174
(415) 744-2913 FAX	(206) 220-7721
(0800-1700 PST)	(206) 220-7723 FAX
Office of Foreign Missions	Department of State
Diplomatic Motor Vehicle Office	Diplomatic Security Service Command Center
Washington D.C.	Washington D.C.
(202) 895-3521 (Driver License Verification) or	(202) 647-7277
(202) 895-3532 (Registration Verification)	(202) 647-1512
(202) 895-3533 FAX	(Available 24 hours)
(0815-1700 EST)	(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

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If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

#### **410.6 TRAFFIC COLLISIONS**

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license "class" box of the Traffic Collision Report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 410.5.2 of this chapter.

##### **410.6.1 VEHICLES**

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

##### **410.6.2 REPORTS**

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Patrol Sergeant/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure that notification of Department of State and all necessary follow-up occur.

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### **410.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY**

Officers may only arrest foreign nationals not claiming diplomatic or consular immunity under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest
- (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance
- (c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the United States.

Because undocumented presence is strictly a federal civil violation, it is only enforceable by federal officers therefore officers of this department shall not arrest foreign nationals solely for undocumented presence. Officers shall not stop or detain persons solely for determining immigration status.

#### **410.7.1 ARREST PROCEDURE**

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the officer shall contact C-Com as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide C-Com with the following information concerning the individual:

- Country of citizenship
- Full name of individual, including paternal and maternal surname, if used
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself

If the foreign national claims citizenship of one of the countries listed by the US Department of State as requiring mandatory consular notification, officers shall provide C-Com with the information above as soon as practical whether or not the individual desires the embassy/consulate to be notified. This procedure is critical because of treaty obligations with the particular countries. The list of mandatory notification countries and jurisdictions can be found on the US Department of State website.

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### 410.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate Arrest- Investigation Report the date and time C-Com was notified of the foreign national's arrest/detention and his/her claimed nationality.

## Rapid Deployment (Active Shooter)

### 411.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

### 411.2 POLICY

The St. Helens Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

### 411.3 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

### 411.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably possible, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

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### *Rapid Deployment (Active Shooter)*

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- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

#### **411.5 PLANNING**

The Lieutenant should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

#### **411.6 TRAINING**

The Lieutenant should include rapid response to critical incidents in the training plan. This training should address:

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## *Rapid Deployment (Active Shooter)*

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- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

## Immigration Violations

### 412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the St. Helens Police Department relating to immigration and interacting with federal immigration officials.

### 412.2 POLICY

It is the policy of the St. Helens 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.

### 412.3 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.

### 412.4 DETENTIONS

This department does not participate in routine immigration investigation and enforcement activities (ORS 181A.820).

An officer should not detain any individual, for any length of time, for 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 should 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, he/she 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)).



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### *Immigration Violations*

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An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

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.

#### **412.4.1 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).

#### **412.5 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.

#### **412.6 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, such as traffic control or peacekeeping efforts.

#### **412.7 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):

- (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

##### **412.7.1 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

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warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

### 412.7.2 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 his/her 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
- (f) The date, time, or location of a person's hearings, proceedings, or appointments with the Department that are not matters of public record

### 412.8 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)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Detective Section supervisor assigned to oversee the handling of any related case. The Detective Section supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner (ORS 147.620).
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

#### 412.8.1 DENIAL OF CERTIFICATION

If certification is denied, the Detective Section 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

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for a minimum of three years and in accordance with the established records retention schedule (ORS 147.620).

#### **412.8.2 TIME FRAME FOR COMPLETION**

Except under circumstances where there is good cause for delay, the Detective Section 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).

#### **412.8.3 U VISA AND T VISA DOCUMENTATION**

The Detective Section 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 Detective Section supervisor or the authorized designee should ensure that the information collected regarding certification forms is transmitted in a timely manner to the Records Section for annual reporting to the Oregon Criminal Justice Commission.

#### **412.9 TRAINING**

The Lieutenant should ensure officers receive training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

## Emergency Utility Service

### 413.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

#### 413.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by C-Com.

#### 413.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

#### 413.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

#### 413.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for utility emergencies is maintained by C-Com.

### 413.2 TRAFFIC SIGNAL MAINTENANCE

The City of St. Helens may contract with a private maintenance company to furnish maintenance for all traffic signals within the City of St. Helens, other than those maintained by the State of Oregon.

#### 413.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise CCOM of the location and problem with the signal. The dispatcher should make the necessary notification to the Public Works department.

The officer should determine if the malfunction creates a hazard requiring the officer to provide traffic direction, or the use of temporary traffic control devices, pending the repair of the signal.

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Officers have the responsibility to address any hazard caused by the malfunction of an inoperative or malfunctioning signal.

## Field Training and Evaluation Program

### 414.1 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 St. Helens 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.

### 414.2 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.

#### 414.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Demonstrated ability as a positive role model
- (c) Evaluation by supervisors and current FTO's
- (d) Possess a DPSST Basic Certificate

#### 414.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete an approved Field Training Officer's Course prior to being assigned as an FTO.

All FTO's must complete a Field Training Officer update course every three years while assigned to the position of FTO.

### 414.3 FIELD TRAINING AND EVALUATION PROGRAM SUPERVISOR

The Lieutenant will act as the FTEP supervisor. It is also possible that the FTEP supervisor will be selected from the rank of sergeant by the Lieutenant or his/her designee and shall possess a DPSST Supervisory Certificate.

The responsibilities of the FTEP supervisor include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conducting FTO meetings.

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## *Field Training and Evaluation Program*

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- (c) Maintain and ensure FTO/Trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor overall FTEP Program.
- (g) Maintain liaison with FTO Coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

### **414.4 TRAINEE DEFINED**

Any entry level or lateral police officer newly appointed to the St. Helens Police Department who is awaiting attendance or has successfully completed a DPSST approved Basic Academy.

### **414.5 REQUIRED TRAINING**

Entry level officers shall be required to successfully complete the Field Training Program, typically 16 weeks in length. The training period may be modified depending on the trainee's performance level and level of experience.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but can be as long as eight weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers and shifts during their Field Training Program.

#### **414.5.1 FIELD TRAINING MANUAL**

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the St. Helens Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the St. Helens Police Department.

### **414.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

#### **414.6.1 FIELD TRAINING OFFICER**

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a weekly basis.

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## *Field Training and Evaluation Program*

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- (b) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (c) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

### **414.6.2 IMMEDIATE SUPERVISOR**

The immediate supervisor shall review and approve the Weekly Observation Reports and forward them to the Field Training Administrator.

### **414.6.3 FIELD TRAINING ADMINISTRATOR**

The Field Training Administrator will review and approve the Weekly Observation Reports submitted by the FTO through his/her immediate supervisor.

### **414.6.4 TRAINEE**

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training and Evaluation Program.

## **414.7 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) Weekly Observation Reports
- (b) End of phase evaluations
- (c) Supervisor's evaluation
- (d) The completed Field Training Manual



## Patrol Rifles

### 415.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the St. Helens Police Department will make patrol rifles available to qualified patrol officers as an additional and more immediate tactical resource.

### 415.2 PATROL RIFLE

#### 415.2.1 DEFINITION

A patrol rifle is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the administration and the department armorer.

### 415.3 SPECIFICATIONS

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

#### 415.3.1 RIFLE AMMUNITION

The only ammunition authorized for the patrol rifle is that which has been issued by the Department. This will consist of a quality factory load in a .223 caliber.

### 415.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Officer to which the rifle is assigned, who shall inspect and service each patrol rifle on a monthly basis.
- (b) Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
- (d) Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label.
- (e) Each patrol rifle shall be subject to inspection by a supervisor or the rangemaster at any time.
- (f) No modification shall be made to any patrol rifle without prior written authorization from the administration.

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### **415.5 TRAINING**

Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial 24-hour patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete quarterly training and qualification conducted by a certified patrol rifle instructor.

Any officer who fails to qualify or who fails to successfully complete two or more department sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officer user's course and qualification.

### **415.6 DEPLOYMENT OF THE PATROL RIFLE**

Officers may deploy the patrol rifle in any circumstance where the officer 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:

- (a) Situations where the officer reasonably anticipates an armed encounter.
- (b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- (e) When an officer reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

### **415.7 DISCHARGE OF THE PATROL RIFLE**

The discharge of the patrol rifle shall be governed by the Department's Deadly Force Policy, Policy Manual § 300.

### **415.8 PATROL READY**

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and a magazine loaded in compliance with department Patrol Rifle training is inserted into the magazine well.

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## *Patrol Rifles*

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### **415.9 RIFLE STORAGE**

- (a) When not in use, patrol rifles will be stored in the department rifle safe.
- (b) When needed, any authorized officer may obtain their assigned patrol rifle from the locked rifle safe.
- (c) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack or locked in the trunk.
- (d) At the end of the assigned officer's shift, the patrol rifle will be properly secured in the patrol vehicle or returned to the rifle safe.

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## Contacts and Temporary Detentions

### 415.1 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-down searches, and the taking and disposition of photographs.

#### 415.1.1 DEFINITIONS

Definitions related to this policy include:

**Consensual encounter** - 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 his/her contact with the officer is voluntary.

**Field interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

**Field photographs** - 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 or pat-down search** - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others (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** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion that the person has committed or is about to commit a crime (ORS 131.615).

**Temporary detention** - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

### 415.2 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 suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

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Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the St. Helens Police Department to strengthen community involvement, community awareness, and problem identification.

#### 415.2.1 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 he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is 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 he/she is 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.

#### 415.3 FRISK OR PAT-DOWN SEARCHES

A frisk or pat-down search 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 limited search 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 search 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.
- (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 search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

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### **415.4 FIELD PHOTOGRAPHS**

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

#### **415.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

#### **415.4.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

#### **415.4.3 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and submitted to the Patrol Sergeant with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures

If a photograph is not associated with an investigation where a case number has been issued, the Patrol Sergeant should review it and forward the photograph to one of the following locations:

- (a) If the photo and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Patrol Sergeant will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed by the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

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### **415.4.4 SUPERVISOR RESPONSIBILITIES**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

### **415.5 POLICY**

The St. Helens 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 search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

### **415.6 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 his/her 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.

## Obtaining Air Support

### 416.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

### 416.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

#### 416.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Patrol Sergeant, or his/her designee, will call the closest agency having helicopter support available. The Patrol Sergeant 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

Police helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
- (d) When a helicopter 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 that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.



## Seniority

### **416.1 PURPOSE AND SCOPE**

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

### **416.2 DESIGNATION AS ACTING PATROL SERGEANT**

When a Sergeant is unavailable for duty as Patrol Sergeant, in most instances the senior qualified officer shall be designated as acting Patrol Sergeant. This policy does not preclude designating officers with less seniority as an acting Patrol Sergeant when operational needs require or training permits.

## Mobile Audio Video

### 417.1 PURPOSE AND SCOPE

The St. Helens Police Department has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

#### 417.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate** - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

**In-car camera system and Mobile Audio Video (MAV) system** - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

**MAV technician** - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

**Recorded media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

### 417.2 POLICY

It is the policy of the St. Helens Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

### 417.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only St. Helens Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

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#### **417.4 ACTIVATION OF THE MAV**

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record. Whenever the audio portion is activated, officers should, whenever possible, advise all persons present that they are being recorded in accordance with ORS 165.540(5)(c).

##### **417.4.1 REQUIRED ACTIVATION OF MAV**

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
  - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
  - 2. Priority responses
  - 3. Vehicle pursuits
  - 4. Suspicious vehicles
  - 5. Arrests
  - 6. Vehicle searches
  - 7. Physical or verbal confrontations or use of force
  - 8. Pedestrian checks
  - 9. DWI/DUI investigations including field sobriety tests
  - 10. Consensual encounters
  - 11. Crimes in progress
  - 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify C-Com
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
  - 1. Domestic violence calls
  - 2. Disturbance of peace calls
  - 3. Offenses involving violence or weapons

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- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

### 417.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

### 417.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

### 417.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of C-Com.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
  1. The tracking number of the MAV system media.
  2. The date it was issued.
  3. The law enforcement operator or the vehicle to which it was issued.
  4. The date it was submitted.
  5. Law enforcement operators submitting the media.
  6. Holds for evidence indication and tagging as required.
- (c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as

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evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

### **417.5 REVIEW OF MAV RECORDINGS**

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of conduct
- (c) By a supervisor to assess performance
- (d) To assess proper functioning of MAV systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- (i) By the media through proper process or with permission of the Chief of Police or the authorized designee
- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection

Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Patrol Sergeant. Approved requests should be forwarded to the MAV technician for processing.

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In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

#### **417.6 DOCUMENTING MAV USE**

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

#### **417.7 RECORDING MEDIA STORAGE AND INTEGRITY**

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule.

##### **417.7.1 COPIES OF ORIGINAL RECORDING MEDIA**

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

##### **417.7.2 MAV RECORDINGS AS EVIDENCE**

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense or to a potential claim against the officer or against the St. Helens Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

#### **417.8 SYSTEM OPERATIONAL STANDARDS**

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.
- (e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

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- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

### **417.9 TRAINING**

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

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## Mobile Digital Computer Use

### 418.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (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 C-Com.

### 418.2 POLICY

St. Helens 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.

### 418.3 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).

### 418.4 MOBILE DATA COMPUTER - RULES OF USE

No employee will load, add, download, upload, or in any other way introduce any file, software, program, database or any other electronic record onto or into the MDC, other than those records that are automatically created by the authorized use of the device, except when the employee receives specific authorization from department administration. The prohibited addition of material includes, but is not limited to, wallpaper, music files, video files, game files, toolbar files or text files.

#### 418.4.1 MOBILE DATA COMPUTER CARE, CLEANING, REPAIR

The MDC should be cleaned only as directed by the manufacturer. The display screen shall only be cleaned using rubbing alcohol and a soft towel. The remainder of the MDC device should be cleaned only using a vacuum cleaner and/or damp cloth. The MDC should be treated as any other delicate machine and an attempt should be made to minimize hard use conditions whenever possible. Any repair to an MDC should be referred to an authorized service location via St. Helens Police Department administration.

### 418.5 RESTRICTED ACCESS AND USE

MDC use is subject to 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 supervisors or Patrol Sergeants.

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



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about sending a particular message or accessing a particular database, the member should seek prior approval from his/her 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 MDC when it is unattended. 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.

### 418.5.1 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.

# Body Worn Cameras (BWC) /Portable Audio/ Video Recorders

## 419.1 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 body-worn, hand held or integrated into portable equipment (ORS 133.741).

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any St. Helens Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

## 419.2 POLICY

The St. Helens 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.

## 419.3 OBJECTIVES

The objectives of this policy include:

- (a) Promoting officer safety
- (b) Recording certain activities and creating a visual and audio record to supplement an officer's recollection and report.
- (c) Enhancing the officer's ability to document and review statements and actions for accuracy and consistency for both internal reporting requirements and courtroom preparation and presentation.
- (d) Preserving visual and audio information for use in current and future investigations.
- (e) Providing a record of events within the limits of technology.
- (f) Enhancing the public trust by preserving a recording of those encountered in the form of video and audio recordings.

The St. Helens Police Department recognizes that the technological limitations of this equipment precludes video images cannot always depict the entirety of a scene or event in the way it may have been perceived or experienced by human senses. Persons viewing recordings must be cautious before conclusions are reached about what recordings show because the recording may not portray all that those present saw and heard.

It should be noted that video evidence has at least the following limitations:

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- (a) Body-Worn Cameras (BWC) may capture something that the wearer of the camera did not see, conversely, there may be a viewpoint the wearer saw, that was not captured by the camera.
- (b) The focal point of the camera may not be the focal point of the person wearing the camera.
- (c) BWC video cannot capture tactile responses such as a subject who tenses muscles in physical resistance on contact.
- (d) Due to environmental factors, BWC's, in some circumstances, may see more than a human eye and yet on other occasions, the video may capture less.
- (e) Video can be slowed down and viewed frame by frame. This is never how the wearer of a BWC would have perceived or experienced the situation.
- (f) Video cannot capture the physiological or psychological elements of a high stress situation. The camera will not depict "tunnel vision," auditory exclusion, or other human physiological responses.

Video footage is just one piece of evidence and is not a substitute for the complete investigation of any incident.

### **419.4 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.

These recordings constitute a public record and are considered evidence in any court case to which they pertain.

### **419.5 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 incident.

The portable recorder should 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
- (c) Self-initiated activity in which a member would normally notify C-Com
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

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Unless there are exigent circumstances or concerns for the safety of the member or any other person, 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).

Members shall notify all parties to the conversation that a recording is being made when this admonishment would not jeopardize officer safety, the safety of other persons or impair a criminal investigation, 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).

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

#### 419.5.1 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.

#### 419.5.2 CESSATION OF RECORDING

A camera worn upon a law enforcement officer's person should record continuously, beginning when the officer develops reasonable suspicion or probable cause to believe that a crime or violation has occurred, is occurring or will occur and the law enforcement officer begins to make contact with the person suspected of committing the offense. The camera may subsequently cease recording no sooner than the termination of the officer's participation in the contact.

Once activated, the portable recorder should record continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. If the BWC is equipped with a mute feature, the mute feature may be used for the purposes of discussing sensitive, confidential or officer safety related information. The mute feature shall be used in lieu of turning the BWC completely off. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

If an officer stops recording during an incident identified in this policy, the officer shall document the reasons in a police report and in the audio or video recording document the time of deactivation and activation.

When an officer considers "privacy" and whether to record, the officer should remember that personal privacy considerations may dictate that "private" information will be redacted and not disclosed in a records request. When video footage is captured for criminal justice purposes it is preferable to capture the entire police involvement.

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## *Body Worn Cameras (BWC) /Portable Audio/Video Recorders*

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### 419.5.3 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.

### **419.6 PROHIBITED USE AND EXCEPTIONS**

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 or by a Department-approved third-party vendor.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Patrol Sergeant. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and 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.

Other exceptions to audio and video recording include;

- (a) In locations where individuals have a reasonable expectation of privacy, such as a hospital, locker room, or mental health facility.
- (b) In limited circumstances where the respect for an individual's privacy or dignity outweighs the need to record an event (E.G., a victim traumatized following a violent assault).
- (c) When the officer believes use of a BWC would impede or limit the cooperation of a victim or witness during an investigative contact, the BWC may be deactivated.
- (d) Upon encountering exigent situations requiring immediate action where it is either unsafe or impractical for a officer to immediately activate a BWC, officers shall activate the camera at the first available opportunity when the immediate threat has been addressed.
- (e) To protect the privacy of the safety of officers or other (such as a confidential reliable informant or a crime victim).
- (f) In situations not involving a self-initiated or public demand call, officers also have discretion on whether to activate a BWC during consensual contacts of a non-criminal nature.
- (g) At the request of a community member, if it does not compromise an investigation

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Officers must document audio and video recordings in written police reports, and include any reasons for the exceptions to this policy.

### 419.6.1 PROHIBITED USE OF BODY-WORN CAMERA RECORDINGS

Recordings from body-worn video cameras shall not be analyzed with facial recognition or other biometric matching technology (ORS 133.741).

### **419.7 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.

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.

### **419.8 REVIEW OF RECORDINGS**

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. When quoting statements in a police report, officers should identify the video and the time stamp referred to.

Supervisors will not review BWC footage for the sole purpose of performance evaluations.

However, department members recognise the value of BWC footage and their relevance to reports of alleged misconduct, reports of meritorious conduct or whenever the review of such recordings would be beneficial to documenting the member's performance.

If the officer is giving a formal statement about the use of force or other events which are subject to review, the officer shall have the option of reviewing the BWC recordings of the event before giving an official statement in the same manner as if the officer were preparing a written report..

The BWC recordings are subject to the same rules concerning production to an officers Association Representative as all other information a labor representative may request.

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Officers, supervisors, prosecutors, the courts and others with a need for access may review a BWC videos for training purposes. If an involved officer objects to showing a recording for training purposes, his/her objection may be submitted to the Chief of Police who will determine if the training value outweighs the officer's objection.

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 privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

### **419.9 USE OF FORCE AND CRITICAL INCIDENTS**

After a critical incident, when safe and practical to do so, a supervisor shall retrieve the body worn camera(s) from involve and witness officers at the scene. The supervisor will be responsible for assuring the Digital Media Evidence (DME) is uploaded. Following an officer-involved shooting, use of deadly force or other critical incident, BWC recordings may only be viewed prior to being uploaded when exigent circumstances exist, such as an officer being injured and in order to obtain indentifying suspect information or other pertinent information from the BWC recordings. Recordings may be viewed by only those personnel authorized in order to assist in an investigation.

### **419.10 RETENTION OF RECORDINGS**

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Recordings made from body-worn video cameras no longer needed for a court proceeding or an ongoing criminal investigation shall not be retained for more than 30 months (ORS 133.741).

#### **419.10.1 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.

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### 419.10.2 STORAGE OF DATA BY VENDORS

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 St. Helens Police Department, are not owned by the vendor, can only be used for legitimate law enforcement purposes and cannot be used by the vendor for any purpose inconsistent with the policies and procedures of the St. Helens Police Department or without the written permission of the St. Helens Police Department. (ORS 133.741).

### **419.11 MAINTANANCE AND CARE OF EQUIPMENT**

Body worn cameras and audio recording equipment should be used with reasonable care to ensure proper functioning.

Equipment malfunctions shall be brought to the attention of of a supervisor as soon as possible.

Officers shall inspect and test body worn cameras prior to each shift to verify proper functioning and shall notify their supervisor of any problems.



## Medical Marijuana

### 420.1 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.

#### 420.1.1 DEFINITIONS

Definitions related to this policy include:

**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 physician; 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 (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 his/her attending physician that the medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condition (ORS 475B.913). This includes a person who has been issued a valid RIC for his/her 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

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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).

### **420.2 POLICY**

It is the policy of the St. Helens 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 St. Helens 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.

#### **420.2.1 EXCEPTION**

An exception from the criminal laws prohibiting possession, delivery or production of marijuana and related offenses, which applies to a person:

- (a) Who is a Registrant or an Applicant, or
- (b) Who is a designated primary care giver of a registrant or applicant, or
- (c) Who is the person responsible for a Registered Grow Site.

#### **420.2.2 LIMITATIONS ON THE EXCEPTION**

There are a number of disqualifying acts that preclude a person from relying on the exception identified above. The exception does not apply if:

- (a) The person is not one of the authorized persons described in the previous section; or
- (b) Regardless of registration, the person has engaged in certain disqualifying conduct specified below.

#### **420.2.3 STATUTORY DISQUALIFICATIONS**

The criminal law exception does not apply to any person - even one who is validly registered under the Act - if the person has engaged in any of the following activities:

- (a) Driving under the influence of marijuana

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- (b) Using marijuana in a public place, in public view, or in an adult or youth correctional facility
- (c) Delivering marijuana, either with or without consideration, to someone who the person making the delivery knows is not a registrant
- (d) Manufacturing or producing marijuana at an address that is not under the control of the registrant (either patient or primary caregiver) or that has not been provided to DHS
- (e) Delivering marijuana for consideration to any person, including a registrant
- (f) Manufacturing or producing marijuana at more than one address
- (g) Possessing, delivering or producing marijuana in amounts that exceed the authorized amounts specified in § 452.11

### 420.2.4 INDUSTRIAL HEMP

Persons or entities who operate under the industrial hemp laws of Oregon must have the required industrial hemp license or agricultural hemp seed production permit issued by the State Department of Agriculture (ORS 571.305). Officers may contact the Department of Agriculture's Commodity Inspection Division for information about industrial hemp sites and licensing compliance.

### 420.3 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.

#### 420.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal 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.

#### 420.3.2 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

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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 his/her possession as if it were in his/her possession if the RIC can be verified through an Oregon State Police Law Enforcement Data Systems (LEDS) query or other sources.

#### 420.3.3 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).

#### 420.3.4 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:
  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.

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- (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 Control 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 Control Commission may assist with related questions regarding recreational marijuana (ORS 475B.070).

### 420.3.5 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.545 to ORS 475B.429), 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.300).

### 420.3.6 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 registered with the Oregon Department of Agriculture (ODA) to grow or handle industrial hemp or produce agricultural hemp seed. Growers and handlers who produce seed products incapable of germination are not required to be registered with the ODA (ORS 571.281). Officers may contact the ODA's Commodity Inspection Division for information about industrial hemp sites and registration compliance.

## **420.4 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.

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### 420.4.1 ARRESTS AND SEARCHES

Possession of a registry identification card alone will not serve as probable cause to search the holder or any related property (ORS 475.323). Before making a warrantless arrest or issuing a citation for a marijuana offense, or making a warrantless search or seizure based on probable cause, an officer should first ask the person why he or she is growing or possessing marijuana. (This should be an open-ended question that does not suggest a response.)

- (a) Non-registrants: If the person claims medical use, but has not applied for or obtained an identification card from OHA:
  1. The criminal law exception does not apply and, if probable cause exists, the officer may take action appropriate to the circumstances, e.g., arrest or citation.
  2. It is recommended that the officer also conduct additional investigation for evidence relevant to a potential affirmative defense or choice of evils defense. See discussion below regarding Anticipating Other Medical Marijuana Defenses in § 452.6.
- (b) Registrants: If the person presents a registry identification card, as either a patient or primary caregiver:
  1. **Valid card.** A person who holds a valid, current registry identification card is not subject to arrest, citation or search for those offenses, unless the person has engaged in disqualifying conduct described in § 452.41. If the person claims to possess a valid card not in their possession, make every effort to verify registration before proceeding.
  2. **Expired card.** The expiration date is printed on the card. A registrant is required to annually update the registration information on file with OHA. A person who is relying on a registry identification card that has expired is a non-registrant and is, therefore, subject to arrest or citation.
  3. **Accurate Identifying Information on the Card.** A registrant must give notice to DHS within 30 days of a change of name, address or primary caregiver (OAR 333-008-0045).

An officer should ask the registrant if the registrant's name and address, and the name of the primary caregiver listed on the card are current. An officer should also compare the registry card information with the registrant's ODL or other ID. If this information is not current, an officer should ask when these changes occurred, whether the person notified OHA, and, if so, when. A person cannot rely on the criminal law exception if he or she is growing marijuana at an address that has not been provided to OHA.
  4. **Registry Verification.** In every case, it is advisable to verify the status of the registry identification card with OHA, either at the time of the encounter with the

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registrant or at a later time. The results of that verification may require a follow-up interview with the registrant.

5. **Suspended Card.** If the registry identification card is suspended, the officer should try to establish whether the registrant is aware of the suspension. A person who is relying on a registry identification card that is suspended is a non-registrant, and, therefore, is subject to arrest or citation.
6. **Applicants.** Copies of documentation submitted to DHS to apply for a registry identification card have the same legal effect as a registry identification card until the person receives notice that the application has been approved or denied (ORS 475.309(9)). In other words, a person who presents copies of application documents is not subject to arrest or citation, unless it is determined that the person has received notice of denial or has engaged in conduct that disqualifies the person from the criminal law exception.
7. **Persons with Forged Documents.** A person who makes or knowingly tenders a false registry identification card or application documents should be investigated for the crime of forgery (ORS 165.002-165.022).

Additionally, the officer should notify OHA regarding these false documents. The OHA may deny an application for a registry identification card if the application contains falsified information (OAR 333-008-0030). The OHA may also suspend a registry identification card if the card was obtained by fraud (OAR 333-008-0070(3)(a)).

## 420.5 INVESTIGATIVE EFFORTS

### 420.5.1 SEEKING EVIDENCE REGARDING MEDICAL CONDITION

Investigation of this issue may not be necessary if the suspect presents a valid registry identification card or a copy of a pending application for a card or if the suspect possess more than the limits identified in § 452.11.

- (a) Why is the person growing or possessing marijuana (This should be an open-ended question that does not suggest a specific answer).
- (b) If the person claims medical use, the officer should ask:
  1. Has the person submitted documentation to OHA .
  2. Has the person ever been diagnosed with a debilitating medical condition. If so, when and obtain the doctor's name and address.
  3. To establish the affirmative defense, the person must prove by a preponderance that he or she has been diagnosed with a debilitating medical condition within 12 months prior to the arrest.

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4. Inquire as to the specific condition(s), symptoms, duration of treatment, and why the person prefers to use marijuana instead of other medical practices.
5. Will the person sign a waiver to release his or her medical records.

### **420.5.2 EVIDENCE REGARDING THE AMOUNT OF MARIJUANA GROWN OR POSSESSED**

If the amount of marijuana manufactured or possessed exceeds the presumptive limits, the person cannot establish the affirmative defense.

### **420.5.3 EVIDENCE OF SALES**

The criminal law exception and the affirmative defense are not available to a person who has delivered marijuana for consideration. Additionally, however, evidence that the person has been selling marijuana should be relevant for rebutting the choice of evils defense.

- (a) Is there evidence that the person has been engaging in the sale of marijuana: scales, packaging materials, records of drug sales, cash
- (b) Is the size and sophistication of the grow operation consistent with personal use Is the person using an amount of electrical power that greatly exceeds the amount necessary to grow seven plants
- (c) A financial net worth investigation may be appropriate to determine all sources of income available to the person and his/her family and existing or recent liabilities. Evidence of federal or state tax returns, relevant lenders or debtors, and relevant financial institutions and bank accounts can be valuable to an investigation.

### **420.5.4 OTHER RELEVANT CIRCUMSTANCES.**

- (a) Is the person in possession of other unlawful controlled substances.
- (b) Has the person committed other new offenses.
- (c) Does the person have a history of arrests or convictions for marijuana or other controlled substance offenses.

### **420.6 SEIZURE AND DESTRUCTION OF MARIJUANA PLANTS**

As stated above, officers are prohibited from harming, neglecting, injuring or destroying any property connected with the medical use of marijuana. However, a law enforcement agency has no responsibility to maintain live marijuana plants lawfully seized (ORS 475.323).

Therefore, when an individual possesses more than a usable amount (24 oz. and six mature plants), or when a growing site exceeds the limits authorized by § 452.11 or, if an authorized Marijuana Grow Site, the collective limits of the grow site registration cards present, (Limit is four cards) officers should:

- (a) Harvest only those plants in excess of the authorized number (ORS 475.324)
- (b) Not seize or destroy the growing equipment



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- (c) It is always prudent to try to obtain consent from the appropriate person before destroying live marijuana plants

### 420.6.1 RETURN OF MARIJUANA

Usable marijuana and paraphernalia used to administer marijuana that was seized by this department shall be returned in accordance with Oregon law upon a determination by the district attorney, or his/her designee, that the items seized are no longer needed for prosecution purposes. The determination may be evidenced, for example, by a decision not to prosecute, the dismissal of charges or acquittal (ORS 475.323).

### **420.7 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES**

The Property and Evidence Section supervisor 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 Section supervisor is not responsible for caring for live marijuana plants (ORS 475B.922).

Marijuana should not be returned to any person unless authorized by the Detective Section supervisor and upon advice of city counsel. Any court order to return marijuana should be referred to city counsel.

The Property and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Section supervisor.

## **Biological Contamination.**

### **421.1 PURPOSE AND SCOPE**

The current climate in the country requires that a general procedure be set down for our response to the possibility of an intentional attack on the public by means of a biological contaminant.

For the purposes of this procedure, our response to calls of this nature will be divided into two categories. They are;

Incidents that carry NO OVERT INDICATION that a biological contaminant is present. This would include items of mail (letters, packages) that are not known to contain any suspect substances.

Incidents that carry OVERT INDICATION that a biological containment is present. This would include items of mail that are leaking an unknown powder, have a greasy appearance or some other type of obvious contaminant. Mail items with a threatening word or phrase on the exterior of the container would be included in this category.

NOTE - This procedure was created jointly by the Columbia River Fire District, the Columbia County Sheriff's Office and the St. Helens Police Department. Also refer to the resource notebook on the bookcase in the squad room of SHPD.

### **421.2 NO OVERT INDICATION THAT A CONTAMINANT IS PRESENT**

When an officer is confronted with an incident (call or walk-in) of an item that the Reporting Party believes as suspicious and that item does not have a visible indication that a biological contaminant is present, the item should be handled in the following manner;

The Fire Department should be notified.

The officer should use non-latex gloves and particulate mask.

Secure the item into a sealed plastic bag. This can be done at the police station using the evidence sealer or in the field using a "zip lock" bag.

As soon as is possible, the item should be "triple bagged" using the evidence sealer.

Facilitate the reporting party to wash using soap and water as soon as possible using decontamination procedures. The officer should wash also, if possibly exposed.

Basic investigation should be done when possible to determine if the concern over the item is reasonable and well founded.

The officer should prepare a special report detailing the reasons the reporting party believes the items to be suspicious and all those persons that were potentially exposed to the item.

The item should then be secured in the special storage facility as maintained by the St. Helens Police Department Evidence system.

Copies of the reports should be sent to the Columbia County Public Health Department and the Portland Office of the F.B.I.

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### **421.3 OVERT INDICATION THAT A CONTAMINANT IS PRESENT**

When an officer is confronted with an incident (call or walk-in) that the Reporting Party believes is suspicious and there is an outward indication that a biological contaminant may be present, the officer should not come into contact with either the items or the persons that might already be contaminated. Gloves and masks are available if appropriate. The incident should be generally handled in the following manner. Remember, this is not intended to be an "all inclusive" policy, just a general guideline.

Calls involving an incident with an overt indication that a biological contaminate is present will be viewed as both a Haz-Mat incident and a crime scene. As such, both the appropriate fire department and law enforcement agency will be dispatched (Clear Voice) to the incident. A unified decision making process should be utilized to ensure that both the haz-mat and crime scene portion of the incident are well handled.

Emergency Responders should then;

Containment - Responders should isolate the area containing the possible biological contaminant. This could be all or part of a building or structure and could be accomplished by closing doors or by evacuating the building, depending on the circumstances. Air flow to the effected area of the building should be terminated by shut down of the HVAC system.

Isolate - Isolate all persons that have been potentially contaminated away from the danger area but locally and away from the public. Remember that these persons may pose a danger to the public and should not be allowed to leave until that danger is determined or alleviated. Responders should maintain distance from potentially contaminated persons and be conscious of wind direction.

Investigate - Determine as quickly as possible by basic investigation if the concern is reasonable and well founded. Common sense and caution should be used.

- The first step in the investigation of this type of incident is an assessment of the threat this incident poses. The officer should consider the following during the initial assessment of threat;
- Are there person(s) exhibiting symptoms indicative of some type of exposure. Are people exhibiting signs of illness, including shortness of breath? (If yes, evacuate, secure, perimeter, call OERS)
- Is there smoke, fire, visible fumes or strange odors emitting from an area or package. (If yes, evacuate, secure, perimeter, call OERS)
- If an unknown substance is present, is the substance somehow related to a threat by letter, phone call or other means. (If yes, evacuate, secure, perimeter, call OERS)
- Consider the target / recipient of the substance or object. It is very unlikely that a chemical or biological agent would be sent to a private individual unless that individual has some ties to government, the media or some other likely target. What makes the

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recipient believe that the letter/substance is a threat? Do they know the sending party?  
Can they check?

- If a letter or package has been sent via U.P.S. or some other delivery service, check the routing number and contact the delivery service. They can frequently check and determine if the letter / package came from an established account and they may have a contact number for the sender.
- Consider a logical explanation for the powder or substance. Is there any loose sheet rock, fire extinguisher powder or coffee creamer in the vicinity? Do any of the nearby garbage cans have discarded containers that would explain the powder / substance?
- Is there history of the institution, corporation of person involved that would add to the probability of this being a terrorist attack?
- Is there a known history of the sender (if identified)?

Interviews should be conducted with all involved parties as part of the initial assessment.

If the event or incident reasonably appears NOT to involve a biological / chemical substance, a complete investigation into the possible hoax should be completed with the intent of formal prosecution. Routine collection of evidence should be done with extreme care. All substances collected should be triple bagged as mentioned above. Any seized items, evidence should be stored and / or tested after consultation with OERS.

If the event or incident reasonably appears to involve a biological / chemical substance, the OERS, FBI and the Oregon State Police Office of Safety and Security should be notified and the following steps should be taken;

### **421.4 NOTIFICATIONS TO BE MADE**

Command Post A command post should be established at some point of safety, most appropriately outside the effected building. Establish Public Information Officer function with the head of the jurisdictional law enforcement agency.

Cordon off the effected area or building with the intent of a long term isolation of the effected area or building.

Notify the Portland Office of the Federal Bureau of Investigation (1-503-552-5300)

Notify the Oregon State Police office of Safety and Security

Notify the Columbia County Public Health Department (503-397-4651)

Notify surrounding emergency service providers.

Notify Columbia County Office of Emergency Management.(503-366-3905)

Notify the Oregon Emergency Response System (O.E.R.S.) 1-800-452-0311.

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Protect the scene and the public until arrangements can be made with the FBI for a response by trained personnel to investigate the suspect substance and resolve the situation.

Reports At the conclusion of the incident the appropriate reports should be completed with the intent of prosecution of all criminal offenders. All procedures for evidence handling and criminal investigation should be followed. Evidence items that may be contaminated or hazardous must be handled / stored in compliance with Haz-Mat procedures.

## Blood and Airborne Pathogens

### 422.1 PURPOSE AND SCOPE

The St. Helens Police Department shall maintain an Exposure Control Plan which will provide information and training to members to help ensure their health and safety, and for compliance to the Oregon OSHA Bloodborne Pathogens Standards and current Airborne pathogen Directive.

A copy of this Policy, along with the Exposure Control Plan and Procedures material, can be found at various locations in the office in a separate three-ring binder entitled Blood and Airborne Pathogens.

### 422.2 PURPOSE

In order to ensure the health and safety of members and comply with the General Occupational Safety and Health Rules, the Oregon-OSHA Standards for Bloodborne Pathogens, and include Airborne pathogens the following Exposure Control Plan is developed and implemented. The plan will assist in minimizing member exposure to bloodborne pathogens, other potentially infectious materials (PIM), including Tuberculosis (TB). The following information, rules, regulations and training standards cover all members who could be reasonably expected to come into contact with human blood and other potentially infectious materials (PIM), including TB in the course of their work. It is expected that this plan, information and training will promote safe work practices so as to minimize any illness or injury to members.

A copy of this Policy, along with the Exposure Control Plan and Procedures material, can be found at various locations in the office in a separate three-ring binder entitled Blood and Airborne Pathogens.

#### 422.2.1 EXPLANATION

Due to the risk of exposure from any blood or airborne pathogen (including viruses such as Hepatitis B/HBV C/HVC, Human Immunodeficiency Virus/HIV and Tuberculosis/TB) it is a requirement that every member SHALL use universal precautions when exposed to blood, bodily fluids and/or PIM. By strict adherence to the following standards, procedures and practices, the member's risk of exposure will be greatly reduced, however, extreme care shall always be exercised when dealing with body fluids.

### 422.3 OBJECTIVE

The Department objective is to protect each member from the hazards associated with exposure to body fluids, blood and airborne pathogens and provide appropriate treatment and counseling when a member may be exposed to such hazards. Through proactive training and proper work practices, members can perform all required duties with a substantial reduction to any risk of infection. The St. Helens Police Department will meet the requirements of the OR-OSHA Standard on Bloodborne Pathogens as follows:

- (a) Written Exposure Control Plans, to include:

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1. Duties and Responsibilities of all members.
  2. Location of Exposure Control Plans.
  3. Exposure Control Plan reviews and updates.
  4. Definitions.
  5. Exposure Determination & Potential Exposure Tasks.
  6. Exposure packet and supporting information
- (b) Information and Mandated Training for Members, to include:
1. Methods of Compliance and Implementation.
  2. Universal Precautions Directive.
  3. Engineering and Work Practice Controls.
  4. Personal Protective Equipment.
  5. Housekeeping Procedures.
- (c) Hepatitis A & B Vaccination and Tuberculosis (TB) Testing Program & Post- Exposure Procedures:
1. Hepatitis A and B Vaccination and TB testing Program availability to all Department members.
  2. Post-Exposure Evaluation, investigation and treatment.
  3. Post-Exposure Follow-up, preventative treatment & counseling.
  4. Post-Exposure Health care Professional Notification.
- (d) Requirements for Training & Confidential Medical Record keeping:
1. Training Records of all Members.
  2. Confidential Medical Records.
  3. Required Documentation Forms.

A copy of this Policy, along with the Exposure Control Plan and Procedures material, can be found at various locations in the office in a separate three-ring binder entitled Blood and Airborne Pathogens.

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## Foot Pursuits

### 423.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

### 423.2 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.

### 423.3 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.



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- (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.

### **423.4 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. Such an order shall be considered mandatory.
- (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 his/her 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 the officer 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 his/her 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.

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- (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.
- (o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

#### **423.5 RESPONSIBILITIES IN FOOT PURSUITS**

##### **423.5.1 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 his/her 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.

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### **423.5.2 ASSISTING OFFICER RESPONSIBILITIES**

Whenever any officer announces that he/she is 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 his/her own observations.

### **423.5.3 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.

### **423.5.4 C-COM RESPONSIBILITIES**

Upon being notified or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Patrol Sergeant as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

### **423.6 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.

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- (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.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

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.

## 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 St. Helens 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 interference, failure to comply 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, him/herself or others.

### 424.4 OFFICER/DEPUTY 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 he/she 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.
  1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  2. 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

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be present while the copy is being made, if feasible. Another way to obtain the 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.

## Aircraft Accidents

### 425.1 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.

#### 425.1.1 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.

### 425.2 POLICY

It is the policy of the St. Helens Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

### 425.3 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).

### 425.4 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.



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## *Aircraft Accidents*

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### **425.5 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)

### **425.6 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 supervisor should ensure the accident is still appropriately investigated and documented.

### **425.7 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.

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- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

### **425.8 DOCUMENTATION**

All aircraft accidents occurring within the City of City of St. Helens 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 SHPD 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.

#### **425.8.1 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.

#### **425.8.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her 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.

### **425.9 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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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.

## First Amendment Assemblies

### 426.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

### 426.2 POLICY

The St. Helens 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.

### 426.3 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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#### 426.3.1 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.

#### 426.4 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 C-Com, 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.

#### 426.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

##### 426.5.1 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.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- 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).

### 426.5.2 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).
- (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.
- (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.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

#### 426.5.3 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).

#### 426.6 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, he/she 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.

#### 426.7 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 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).

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Force or control devices, including oleoresin capsaicin (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.

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.

### **426.8 ARRESTS**

The St. Helens 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).

### **426.9 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).

### **426.10 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.



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### **426.11 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, C-Com records/tapes
- (g) Media accounts (print and broadcast media)

#### **426.11.1 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.

### **426.12 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

### 427.1 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.

### 427.2 POLICY

It is the policy of the St. Helens Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

### 427.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, 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 C-Com 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 C-Com 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 or symptoms of excited delirium or other agitated chaotic behavior.

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.

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#### **427.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in exceptional 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.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

#### **427.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody 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.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of 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 an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

#### **427.6 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 Conducted Energy Device policies.

#### **427.7 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.

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#### 427.7.1 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 it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Lieutenant 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 C-Com as soon as possible and request response by EMS.

#### 427.7.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

#### 427.7.3 AED TRAINING AND MAINTENANCE

The Lieutenant should ensure appropriate training is provided to members authorized to use an AED.

The Lieutenant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

### **427.8 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Only members who possess a current and valid certification may administer opioid overdose medication or members may administer opioid overdose medication in accordance with protocol specified by the physician who prescribed the overdose medication for use by the member (OAR 333-055-0110; OAR 333-055-0115).

#### 427.8.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are 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 Lieutenant.

Any member who administers an opioid overdose medication should contact C-Com as soon as possible and request response by EMS.

#### 427.8.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

#### 427.8.3 OPIOID OVERDOSE MEDICATION TRAINING

The Lieutenant should ensure training and retraining is provided to members authorized to administer opioid overdose medication. Training shall be coordinated with the Oregon Health Authority, Public Health Division (OAR 333-055-0110).

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#### **427.9 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she 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 not transport an arrestee to a hospital without a supervisor's approval.

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.

#### **427.10 ADMINISTRATION OF EPINEPHRINE**

In an emergency situation when a licensed health care professional is not immediately available, members who have successfully completed educational training for severe allergic responses may administer epinephrine (ORS 433.825).

##### **427.10.1 EPINEPHRINE USER RESPONSIBILITIES**

Members who are qualified to administer epinephrine 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 Lieutenant.

Any member who administers epinephrine should contact C-Com as soon as possible and request response by EMS.

##### **427.10.2 EPINEPHRINE REPORTING**

Any member administering epinephrine should detail its use in an appropriate report.

##### **427.10.3 EPINEPHRINE TRAINING**

The Lieutenant should ensure that training is provided to members authorized to administer epinephrine (ORS 433.815; ORS 433.817; OAR 333-055-0030).

#### **427.11 FIRST AID TRAINING**

Subject to available resources, the Lieutenant should ensure officers receive periodic first aid training appropriate for their position.

# Suspicious Activity Reporting

## 428.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

### 428.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or 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).
- 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 Report (SAR)** - An incident report used to document suspicious activity.

## 428.2 POLICY

The St. Helens 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.

## 428.3 RESPONSIBILITIES

The Detective Lieutenant 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 Detective Lieutenant include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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- (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).

### **428.4 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 member should prepare a SAR 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 a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

### **428.5 HANDLING INFORMATION**

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Detective Section supervisor
- Crime Analysis Unit
- Other authorized designees

## Chapter 5 - Traffic Operations



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## Traffic Function and Responsibility

### 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. 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 accident 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 accident 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 St. Helens Police Department. Information provided by the Department of Motor Vehicles and Oregon Department of Transportation is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen 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 St. Helens 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 collisions:

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#### 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 accident and, based upon the officer's personal investigation, having reasonable grounds to believe that a person involved in the accident has committed a traffic offense in connection with the accident, may issue the person a citation for that offense (ORS 810.410(4)).

#### 500.3.3 PHYSICAL ARREST

Officer may arrest or issue a citation to a person for a traffic crime at any place within the state. Generally, physical arrests are limited to major traffic offenses such as:

- (a) Driving Under the Influence of Intoxicants.
- (b) Hit-and-Run.
- (c) Attempting to Elude.
- (d) Reckless Driving with extenuating circumstances.
- (e) Situations where a violator refuses or cannot satisfactorily identify him/herself and therefore cannot be issued a citation.

#### **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 his or her license in possession, the license shall be seized by the officer and the violator may also be cited for Failure to Return a Suspended License if evidence shows they knew they were suspended (ORS 809.500).

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### **500.5 HIGH-VISIBILITY VESTS**

The St. Helens 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.

#### **500.5.1 REQUIRED USE**

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should 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 should be worn include traffic control duties, accident 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.

#### **500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS**

A high-visibility vest shall be maintained in the trunk of each patrol and investigation unit. Each vest should be stored inside the resealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

## Traffic Collision Reporting

### 501.1 PURPOSE AND SCOPE

The St. Helens Police Department prepares traffic collision reports in compliance with Oregon Revised Statutes 810.460 relating to reports of traffic accidents to the Oregon Department of Transportation and, as a public service makes traffic collision reports available to the community with some exceptions.

### 501.2 RESPONSIBILITY

The Sergeant will be responsible for proper investigation and reporting of motor vehicle collisions. Traffic collisions will be documented using the Oregon Police Traffic Crash Report. The Sergeant will receive all changes in the state manual and ensure conformity with this policy.

### 501.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Records Division for data entry into the Records Management System. The Records Section will be responsible for periodic reports on traffic collision statistics to be forwarded to the City Traffic Engineer and, when requested, to the Oregon Traffic Safety Commission.

### 501.4 REPORTING SITUATIONS

#### 501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. Whenever there is damage to a City vehicle, a report shall be completed and forwarded to the Lieutenant.

Photographs of the collision scene and vehicle damage shall be taken.

#### 501.4.2 TRAFFIC COLLISIONS INVOLVING DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the City limits of City of St. Helens resulting in a serious injury or fatality, the Patrol Sergeant may notify the Oregon State Police for assistance.

The term serious injury is defined as any injury that results in hospitalization.

#### 501.4.3 TRAFFIC COLLISIONS INVOLVING OTHER CITY EMPLOYEES OR OFFICIALS

The Patrol Sergeant may request assistance from the Oregon State Police for the investigation of any traffic collision involving any City of St. Helens official or employee where a serious injury or fatality has occurred.

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## *Traffic Collision Reporting*

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### **501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY**

Traffic collision reports shall not be taken for collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or an officer issues a citation for a traffic violation.

### **501.4.5 TRAFFIC COLLISIONS ON ROADWAYS, HIGHWAYS AND PREMISES OPEN TO THE PUBLIC**

Traffic collision reports shall be taken when they occur on a roadway, highway or premises open to the public within this jurisdiction in the following cases:

- (a) There is a death, or injury to any person involved in the collision.
- (b) When there is reason to believe that a driver is impaired by alcohol, controlled substances or any drug.
- (c) An officer issues a citation for a violation of the Vehicle Code.
- (d) The accident is initially reported by a garage operator who has received a vehicle involved in a serious accident or exhibiting evidence of having been struck by a bullet (Oregon Revised Statutes 822.600).
- (e) All hit-and-run violations as defined by Oregon Revised Statutes 811.700 and 811.705.

### **501.5 SERIOUS INJURY OR DEATH RELATED COLLISIONS**

In the event of a serious injury or death related traffic collision, the shift supervisor may request a Major Collision Investigator from another agency to assist with the investigation of the traffic collision. An OSP traffic reconstructionist or the OSP Crime Lab may also be requested to assist with a fatal accident.

## Vehicle Towing

### 502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the St. Helens Police Department.

### 502.2 RESPONSIBILITIES

The responsibilities of those officers impounding a vehicle are as follows.

#### 502.2.1 VEHICLES CONSTITUTING A HAZARD OR OBSTRUCTION

Officers may take custody of and tow a vehicle that is disabled, abandoned, parked or left standing unattended when it creates a hazard or obstruction. Hazards and obstructions may include vehicles that are (ORS 819.120):

- (a) Parked so that any part of the vehicle extends into the paved portion of the travel lane.
- (b) Parked so that any part of the vehicle extends into the highway shoulder or bicycle lane of any freeway ORS 819.120 (2)(b).

Officers should use sound judgment in balancing the need to correct a hazardous situation with the potential hardship to a vehicle owner/operator before towing such a vehicle.

Officers impounding a vehicle shall complete the appropriate report to be submitted to the Records Section as soon as practicable after the vehicle is stored.

Records Division personnel shall promptly enter pertinent data from the completed vehicle impound report into the state's Law Enforcement Data Systems (LEDS).

#### 502.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested by the driver, the on scene officer will contact Drake's Towing for removal of the vehicle from the scene.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall contact Drake's Towing. The officer will then have the vehicle towed to the tow company's storage lot for safekeeping, and complete a Vehicle Impound form.

#### 502.2.3 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Police Department should not be driven by police personnel unless it is necessary to move the vehicle a short distance to eliminate a hazard, to prevent the obstruction of a fire hydrant, or to comply with posted signs.

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### 502.2.4 NOTICE TO OWNERS

Once the vehicle is impounded, records personnel shall mail a copy of the impound report along with information describing the location of the vehicle and the procedures for its release to the legal and registered owners of the stored vehicle within 48 hours after it has been stored, not including Saturdays, Sundays or holidays, unless the vehicle has been previously released (ORS 819.180). The notice shall include:

- (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.
- (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.

### 502.3 TOWING SERVICES

The City of St. Helens participates with other agencies in utilizing a rotation of tow companies facilitated by the Columbia 911 Communications District (CCOM). CCOM has entered into a contract with a private service to review and select tow companies to be used in the tow rotation. Officers need only contact CCOM for the next available tow company.

- (a) When a vehicle is being held as evidence in connection with an investigation
- (b) When it is otherwise necessary to impound a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations

Nothing in this policy shall require the Department to tow a vehicle.

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### **502.3.1 NO PREFERENCE TOW SERVICES**

Qualified towing services to be used in the rotation of towing companies facilitated by CCOM may be called, via CCOM, when a citizen needs towing services but has no preference as to which service to call.

Any complaint alleging a violation of the agreement or other misconduct by a no preference operator shall be referred to CCOM for investigation.

The department will assist citizens by calling any towing company desired. If the citizen has no preference and requests towing service, one of the authorized firms shall be called in rotation.

All officers are specifically prohibited from directly or indirectly soliciting for or recommending any garage or tow service.

### **502.4 IMPOUNDS RELATED TO CRIMINAL INVESTIGATIONS**

Officers should impound vehicles that are needed for the furtherance of an investigation or prosecution of a case or are otherwise appropriate for seizure under ORS 133.535. State law requires the impounding officer to take reasonable steps to protect against loss or damage to impounded vehicles and any contents that may have been taken as evidence (ORS 133.537).

Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than store it, so long as the vehicle is not needed for evidence. If a recovered stolen vehicle is towed, the officer shall share the owner's contact information, including the person's home address and telephone number, with the towing service that assumes control of the vehicle (ORS 98.857).

### **502.5 IMPOUND AT ARREST SCENES**

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or storing the arrestee's vehicle subject to the exceptions described below. However, the vehicle shall be stored, subject to applicable laws and warrant requirements, whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine, reasonably suggests that the vehicle should be stored (e.g., the vehicle would present a traffic hazard if not removed or, due to a high crime area, the vehicle would be in jeopardy of theft or damage if left at the scene).

While the Oregon Revised Statutes may authorize the impoundment of a vehicle for issues such as driving with a suspended or revoked license (ORS 809.720), impounds are only authorized if, in such cases, leaving the vehicle would create a hazard, obstruction or a risk of loss.

The following are examples of situations where the arrestee's vehicle should not be stored, provided the vehicle can be legally parked, left in a reasonably secured and safe condition and the vehicle is not needed for the furtherance of an investigation:

- The vehicle is parked on private property on which the registered owner or operator is legally residing, or the property owner does not object to the vehicle being left parked at that location.



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- When the arrestee or a passenger is the registered or legal owner of the vehicle and requests that the vehicle be released to a person who is present, willing and able to legally take control of the vehicle.
- Whenever the vehicle is legally parked and otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall inform the arrestee and note in the report that the Department will not be responsible for theft or damages.

### **502.6 VEHICLE INVENTORIES**

The contents of all impounded vehicles shall be inventoried in accordance with the following procedure:

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, the glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:
  1. Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked glove compartments, unlocked vehicle trunks and unlocked car top containers.
  2. Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers, provided the keys are available and are to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (c) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following, which shall be opened for inventory: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money or small valuables, or closed containers which are designed for hazardous materials.
- (d) Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of \$10, valuables or a hazardous material.
- (e) Any valuables, to include cash in excess of \$10 or property valued at more than \$200, located during the inventory process will be listed on a property receipt and stored in this agency's property/evidence room. A copy of the property receipt will either be

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left in the vehicle or tendered to the person in control of the vehicle if such person is present.

- (f) The inventory is not a search for evidence of a crime, however, officers shall seize evidence or contraband located during the inventory. Items should be scrutinized to the extent necessary to complete the inventory.
- (g) Tow truck operators are to receive a copy of the tow report.

These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

### **502.7 VEHICLE SEARCHES**

Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. Vehicle searches should be handled according to current training and an officer's familiarity with relevant case law. Generally, a search warrant should be sought prior to conducting a search of a vehicle.

Because circumstances under which a warrantless search of a vehicle might be permissible are very limited, and because vehicle searches are subject to many restrictions, officers should, whenever possible, seek supervisory approval before conducting a warrantless search of a vehicle.

### **502.8 SECURITY OF VEHICLES AND PROPERTY**

After a thorough inventory of the vehicle has been completed and all contraband, evidence and weapons have been removed the officer should make reasonable accommodations to permit a driver or owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions).

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

### **502.9 RELEASE CRITERIA**

A vehicle impounded under this section shall be released to a person entitled to lawful possession of the vehicle upon compliance with the following:

- (a) Proof that a person with valid driving privileges will be operating the vehicle.
- (b) Proof of compliance with financial responsibility requirements for the vehicle.
- (c) Payment of the St. Helens Police Department administrative fee and any towing and storage charges.
- (d) A security interest holder in the vehicle is not required to comply with (a) and (b) and may obtain release by paying the administrative fee, towing and storage fees.

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## Vehicle Impound Hearings

### 503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings.

### 503.2 IMPOUND HEARING

When a vehicle is impounded by any member of the St. Helens Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent.

#### 503.2.1 HEARING PROCEDURES

When requested, a hearing will be held at the St. Helens Police Department within four days of the receipt of the request. The Department will appoint a Hearing Officer who will conduct the hearing and render a judgment. The employee who caused the removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on an impounded vehicle shall be submitted in person, writing, or by telephone within ten days of the date appearing on the notice. The person requesting the hearing may record the hearing at his/her own expense.

The vehicle impound hearing officer shall consider all information provided and determine the validity of the impound of the vehicle in question regarding law and department policy and then render a decision. The Department will have the burden of proving by a preponderance of evidence.

If a decision is made that the vehicle was impounded within the law and department policy, the hearing officer shall advise the inquiring party that they may pursue civil litigation, if they so desire.

A decision that the vehicle was not impounded in a lawful manner or within department policy will require that the vehicle in impound be released immediately. Towing and storage fees will be paid at the Department's expense (Oregon Revised Statutes 809.716).

## Traffic Citations

### **504.1 PURPOSE AND SCOPE**

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

### **504.2 RESPONSIBILITIES**

The Lieutenant or his designee shall be responsible for the development and design of all Department traffic citations in compliance with state law.

The Police Records Section shall be responsible for the supply and accounting of all traffic citations issued to employees of the police department.

### **504.3 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.

All recipients of traffic citations who request the dismissal of a traffic citation shall be referred to the appropriate court.

An officer may determine that a traffic citation should be dismissed during a court proceeding in the interest of justice or where prosecution is deemed inappropriate. In such cases, the officer may request that the court dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances.

### **504.4 VOIDING TRAFFIC CITATIONS**

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. 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 the Records Section.

### **504.5 CORRECTION OF TRAFFIC CITATIONS**

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation, and a letter requesting a specific correction, to his/her immediate supervisor. The citation and letter shall then be forwarded to the Lieutenant. If approved, the letter of correction will be sent to the court having jurisdiction and to the recipient of the citation.

### **504.6 DISPOSITION OF TRAFFIC CITATIONS**

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with the this department, all employees issued traffic citations books shall return any unused citations to the Records Section.

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### **504.7 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation. Juvenile citations should be clearly marked as such to facilitate review by the court.

## Disabled Vehicles

### 505.1 PURPOSE AND SCOPE

Public safety, and the St. Helens 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.

### 505.2 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. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

### 505.3 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.

#### 505.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

For purposes of this section, giving a motorist a battery "jump" or assisting a motorist with changing a flat tire are deemed to not be mechanical repairs. These activities may be done at the officer's discretion and only when the officer believes these activities can be done safely and when the officer has the knowledge and skills to be done correctly.

## Impaired Driving

### 506.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

### 506.2 POLICY

The St. Helens Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Oregon's impaired driving laws.

### 506.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The department will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Oregon or another jurisdiction.
- (g) Any information given by the individual relating to the source of impairment and a time frame of use, especially the last admitted use of the impairing substance.

### 506.4 FIELD TESTS

The department should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

### 506.5 CHEMICAL TESTS

A person implies consent under Oregon law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (ORS 813.100):

- (a) The arresting officer has reasonable grounds to believe that the person was DUI.



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- (b) The person is arrested for DUI and takes a breath test that discloses a blood alcohol content of less than 0.08 percent (ORS 813.131).
- (c) The person is arrested for DUI and was involved in an accident resulting in injury or property damage (ORS 813.131).
- (d) The person is receiving medical care at a health care facility immediately after a motor vehicle accident and the arresting officer has reasonable grounds to believe that the person was DUI.

In a situation where a person refuses to provide a chemical sample after implied consent has been read, the officer may proceed to obtain a chemical sample based on probable cause and exigency (if the officer can articulate exigency given the particular facts of the case) or by obtaining a search warrant. (ORS 813.100(5)). If a person is unconscious at the hospital and is incapable of expressly consenting, ORS 813.140 allows officers to proceed with obtaining a blood draw under implied consent.

#### 506.5.1 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (ORS 813.160). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers may inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood test because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

#### 506.5.2 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

#### 506.5.3 STATUTORY NOTIFICATIONS

Prior to administering any tests, the person shall be informed of the rights and consequences for DUI and refusals of testing (ORS 813.100; ORS 813.130; ORS 813.135).

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### 506.5.4 ADDITIONAL REQUIREMENTS FOR URINE SAMPLES

An officer may not request that a person submit to a urine test unless the officer is certified by the Department of Public Safety Standards and Training as having completed the required training in the recognition of drug impaired driving. The officer must also have a reasonable suspicion to believe that the person arrested has been driving under the influence of cannabis, a controlled substance, an inhalant or any combination of cannabis, an inhalant, a controlled substance and intoxicating liquor (ORS 813.131).

The person providing the urine sample shall be given privacy and may not be observed by the officer when providing the sample (ORS 813.131).

### 506.5.5 ADDITIONAL TESTING

An officer requesting that a person submit to a chemical test shall also provide the person, upon request, with a reasonable opportunity to have a qualified medical professional of their choosing administer an additional chemical test. The test may be of the person's breath or blood if alcohol concentration is an issue or of the person's blood or urine if the presence of cannabis, a controlled substance or an inhalant in the person's body is an issue (ORS 813.150).

## **506.6 REFUSALS**

When an arrestee refuses to provide a chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (ORS 813.100; ORS 813.130; ORS 813.131; ORS 813.135).
- (b) Audio- and/or video-record the admonishment and the response when it is legal and practicable.
- (c) Document the refusal in the appropriate report.

### 506.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the written notice of intent to suspend upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (ORS 813.100).

### 506.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (ORS 813.100).
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol in the person's bloodstream. Exigency can be established by the existence of special facts, such as the amount of time that it would take to obtain a warrant given the particular facts of the case and what is known to the officer at the time as to how long it would take to obtain a warrant. The officer should consider things like the amount of time that has elapsed since the time of driving, the fact that alcohol and/or drugs are

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leaving the body as time passes therefore the loss of evidence, the length of time it would take to write the warrant, the availability of other officers to assist in the warrant process if needed, and the availability of the judge. In addition, the officer should consider things like any delay in obtaining a blood sample due to a crash investigation or medical treatment of the person.

### 506.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
  - 1. This dialogue should be recorded on audio and/or video when legal and practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  - 3. In felony cases, force that reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

### **506.7 ARREST AND INVESTIGATION**

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### **506.7.1 OFFICER RESPONSIBILITIES**

If a person refuses to submit to a chemical test or if a test discloses that the person had a prohibited alcohol concentration in his/her blood, the investigating officer shall cause the following items to be forwarded to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) within 10 days of the arrest (ORS 813.100; OAR 735-090-0040):

- The completed Implied Consent Form
- Any confiscated license or permit belonging to the person
- A copy of the written report that complies with ORS 813.120

An officer confiscating a person's license pursuant to state DUI laws shall provide the person with a temporary driving permit unless (ORS 813.100; ORS 813.110):

- The driving privileges of the person were suspended, revoked or canceled at the time the person was arrested.
- The person whose license was confiscated was operating on an invalid license.
- The person was not entitled to driving privileges at the time of the arrest for any other reason.
- The person holds a license or permit granting driving privileges that was issued by another state or jurisdiction and that is not confiscated.

### **506.7.2 OFFENSE FOR REFUSAL**

If a person refuses to submit to a breath or urine test, the arresting officer may charge the person with a separate offense (ORS 813.095).

### **506.8 RECORDS SECTION RESPONSIBILITIES**

The Police Support Specialist will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

### **506.9 ADMINISTRATIVE HEARINGS**

The Police Support Specialist will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney if the prosecuting attorney is known.

The officer should make every effort to forward a copy of the written ruling from the administrative license suspension hearing to the prosecutor who is handling the case.

An officer called to testify at an administrative hearing should document the hearing date and the DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

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### **506.10 TRAINING**

The Lieutenant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Lieutenant should confer with the prosecuting attorney's office and update training topics as needed.

## Chapter 6 - Investigation Operations

## Investigation and Prosecution

### 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

### 600.2 POLICY

It is the policy of the St. Helens 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.

### 600.3 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:
  - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
  - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Patrol Sergeant.
  - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  - 5. Collect any evidence.
  - 6. Take any appropriate law enforcement action.
  - 7. 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.

### **600.4 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 in connection with an investigation into aggravated murder, as defined in ORS 163.095, or a crime listed in ORS 137.700 or ORS 137.707 (ORS 133.400).

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, if (2019 Oregon Laws, c. 216, § 2):

- (a) The interview is conducted at a courthouse or at any law enforcement agency authorized to detain juvenile offenders; or
- (b) The interview is conducted anywhere else and the officer is wearing a body-worn camera.

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 his/her report and request that the interviewee sign a written statement or provide a recorded statement of his/her 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 Detective Section supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the



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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.
  - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
  - 2. Warnings shall not be given for felony offenses or other 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).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and 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.

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#### **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 his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her 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.

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.

## Informants

### 602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

#### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the St. Helens Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the St. Helens Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

### 602.2 POLICY

The St. Helens Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

### 602.3 USE OF INFORMANTS

#### 602.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

#### 602.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Chief of Police or the authorized designee

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#### 602.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

#### 602.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Lieutenant, County-wide Interagency Narcotics Team supervisor or their authorized designees.
  - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the St. Helens Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
  - 1. Members shall not become intimately involved with an informant.
  - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the County-wide Interagency Narcotics Team supervisor.
  - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the County-wide Interagency Narcotics Team supervisor.
  - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

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#### **602.4.1 UNSUITABLE INFORMANTS**

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

#### **602.5 INFORMANT FILES**

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the County-wide Interagency Narcotics Team. The County-wide Interagency Narcotics Team supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Lieutenant, County-wide Interagency Narcotics Team supervisor or their authorized designees.

The Detective Lieutenant should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the County-wide Interagency Narcotics Team supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance

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with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

#### **602.5.1 FILE SYSTEM PROCEDURE**

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
  1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

#### **602.6 INFORMANT PAYMENTS**

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The County-wide Interagency Narcotics Team supervisor will discuss the above factors with the Patrol Lieutenant and recommend the type and level of payment subject to approval by the Chief of Police.

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#### 602.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a County-wide Interagency Narcotics Team buy/expense fund.
  1. The County-wide Interagency Narcotics Team supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
  1. The check shall list the case numbers related to and supporting the payment.
  2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
  3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
  4. Authorization signatures from the Chief of Police and the City Administrator are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
  1. The cash transfer form shall include the following:
    - (a) Date
    - (b) Payment amount
    - (c) St. Helens Police Department case number
    - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
  2. The cash transfer form shall be signed by the informant.
  3. The cash transfer form will be kept in the informant's file.

#### 602.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

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### 602.6.3 AUDIT OF PAYMENTS

The County-wide Interagency Narcotics Team supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.



## Seizure of Currency or Coin

### 603.1 PURPOSE AND SCOPE

Any seizure of money in any amount equal to or greater than one hundred dollars (\$100.00) shall be thoroughly documented on the St. Helens Police Department Currency / Coin Worksheet.

The number, denomination and total dollar amount will be counted and confirmed by no fewer than three officers, unless additional officers are not physically present.

A currency counter machine will be used, when available.

The completed Currency/Coin Worksheet will be included in the sealed packaging containing the money and will remain with the funds at all times until final disbursement of the funds. Copies of the completed Currency/Coin Worksheet should be attached to the appropriate reports.

The Currency/Coin Worksheet is available in blank form in the Patrol Forms file in the Squad Room.

## Eyewitness Identification

### 604.1 POLICY

The St. Helens Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

### 604.2 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

#### 604.2.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

### 604.3 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

### 604.4 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process 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.

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### **604.5 EYEWITNESS IDENTIFICATION PROCESS AND FORM**

The Detective Section supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the suspect's photograph may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

### **604.6 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

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### **604.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

### **604.8 FIELD IDENTIFICATION CONSIDERATIONS**

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  - 1. The length of time the witness observed the suspect.
  - 2. The distance between the witness and the suspect.
  - 3. Whether the witness could view the suspect's face.
  - 4. The quality of the lighting when the suspect was observed by the witness.
  - 5. Whether there were distracting noises or activity during the observation.
  - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  - 7. The length of time that has elapsed since the witness observed the suspect.

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- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) A person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

## Brady Material Disclosure

### 605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

#### 605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the St. Helens Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 605.2 POLICY

The St. Helens 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 St. Helens 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.

### 605.3 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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### **605.4 DISCLOSURE OF REQUESTED INFORMATION**

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in-camera review by the court.
  1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
  1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

### **605.5 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.

### **605.6 TRAINING**

Department personnel should receive periodic training on the requirements of this policy.

### **605.7 BRADY PROCESS**

The Chief of Police shall select a member of the Department to coordinate requests for *Brady* information. This person shall be directly responsible to the Administration Lieutenant or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

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- (a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.
- (b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.
  - 1. Updating the list whenever potential *Brady* information concerning any department member becomes known to the Department or is placed in a personnel or internal affairs file.



## Asset Forfeiture

### 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

#### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Civil Forfeiture** - The following, with certain restrictions, may be subject to civil forfeiture when used for prohibited conduct (ORS 131A.020):

- Containers for controlled substances and related compounds, etc.
- Conveyances, including but not limited to aircraft, vehicles, and vessels to transport, sell, conceal controlled substances.
- Proceeds from prohibited conduct or money, deposits or other things of value used to facilitate prohibited conduct.
- Real property or interest in real property.
- Weapons possessed or used.
- Property used for attempts to commit prohibited conduct, solicitations to commit prohibited conduct and conspiracies.
- A motor vehicle when the driver is arrested or cited for driving while suspended or revoked under ORS 811.182 or ORS 163.196 and has been convicted of either offense within the past three years (ORS 809.740).

**Criminal Forfeiture** - The following, with certain restrictions, may be subject to criminal forfeiture when used, or intended to be used, for prohibited conduct (ORS 131.558):

- Containers for controlled substances and related compounds, etc.
- Conveyances, including aircraft, vehicles, and vessels to transport, sell, conceal, etc. controlled substances.
- Proceeds from prohibited conduct or money, deposits, or other things of value used to facilitate prohibited conduct.
- Real property or interest in real property.
- Weapons possessed or used.
- Property used for attempts to commit prohibited conduct, solicitations to commit prohibited conduct, and conspiracies.
- All other personal property that is used or intended to be used to commit or facilitate prohibited conduct.

**Fiscal agent** - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings.

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This includes any time the St. Helens Police Department seizes property for forfeiture or when the St. Helens Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

**Prohibited conduct** - In the context of criminal forfeiture, refers to a felony or a Class A misdemeanor for purposes of proceeds and the many crimes listed in ORS 131.602 for purposes of instrumentalities (ORS 131.550).

Prohibited conduct in the context of civil forfeiture refers to any of the following (ORS 131A.005):

- Crimes related to the Uniform Controlled Substances Act where a person may be sentenced to imprisonment (specifically, ORS 475.005 through ORS 475.285 and ORS 475.744 through ORS 475.980).
- Crimes involving violation of, or solicitation, attempt, or conspiracy to violate ORS 475B.337, ORS 475B.341, ORS 475B.346, or ORS 475B.349.
- Violation of, or solicitation, attempt or conspiracy to violate ORS 475B.227.
- Involuntary servitude or compelling prostitution (ORS 163.263; ORS 163.264; ORS 163.266; ORS 167.017).
- Other local crimes allowing for civil forfeiture where a person may be sentenced to imprisonment for the offense.

**Seizure** - The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

### **606.2 POLICY**

The St. Helens Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the St. Helens Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

#### **606.2.1 ITEMS SUBJECT TO CRIMINAL FORFEITURE**

The following are subject to criminal forfeiture:

- (a) All controlled substances that have been manufactured, distributed, dispensed, possessed or acquired in the course of prohibited conduct

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- (b) All raw materials, products and equipment of any kind that are used, or intended for use, in providing, manufacturing, compounding, processing, delivering, importing or exporting any service or substance in the course of prohibited conduct
- (c) All property that is used, or intended for use, as a container for property described in subsection (a) or (b) of this section
- (d) All conveyances, including aircraft, vehicles and vessels, that are used, or are intended for use, to transport or facilitate the transportation, sale, receipt, possession or concealment of property described in subsection (a) or (b) of this section, and all conveyances, including aircraft, vehicles and vessels, that are used or intended for use in prohibited conduct or to facilitate prohibited conduct, except that:
  - 1. No conveyance used by any person as a common carrier is subject to criminal forfeiture under the provisions of this section unless the owner or other person in charge of such conveyance was a consenting party or knew of and acquiesced in the prohibited conduct; and
  - 2. No conveyance is subject to criminal forfeiture under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any state
- (e) All books, records, computers and research, including formulae, microfilm, tapes and data that are used or intended for use to facilitate prohibited conduct
- (f) All moneys, negotiable instruments, balances in deposit or other accounts, securities or other things of value furnished or intended to be furnished by any person in the course of prohibited conduct, all proceeds of or from prohibited conduct, and all moneys, negotiable instruments, balances in deposit and other accounts and securities used or intended to be used to facilitate any prohibited conduct
- (g) All real property, including any right, title and interest in the whole of any lot or tract of land and any appurtenances or improvements, that is used or intended to be used to commit or facilitate the commission of prohibited conduct
- (h) All weapons possessed, used or available for use to facilitate conduct giving rise to criminal forfeiture.
- (i) All property described in this section that is intended for use in committing or facilitating an attempt to commit a crime as described in Oregon Revised Statutes 161.405, a solicitation as described in Oregon Revised Statutes 161.435 or a conspiracy as described in Oregon Revised Statutes 161.450
- (j) All personal property that is caused or intended to be used to commit or facilitate prohibited conduct.

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### 606.2.2 MINIMUM GUIDELINES FOR SEIZURES

The following guidelines identify the minimum amounts or values required to seize vehicles or real property:

- (a) Vehicles, i.e. cars, trucks, motorcycles, boats, or airplanes used as a conveyance, with equity based on a low blue book value of at least \$5,000.
- (b) \$50,000 in equity of real property (house/condominium).
- (c) Personal property valued at \$2000 or more.
- (d) Cash in excess of \$1000.

### 606.2.3 PROHIBITED CONDUCT

- (a) For the purposes of proceeds, prohibited conduct is any Felony or Class A Misdemeanor.
- (b) For the purposes of instrumentalities, prohibited conduct is any crime listed in Oregon Revised Statutes 131.602.

## 606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

### 606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Civil forfeiture
  - 1. Property that is subject to a court order (ORS 131A.060).
  - 2. Property that is not subject to a court order if (ORS 131A.065):
    - (a) There is probable cause to believe that the property is subject to forfeiture and the property may constitutionally be seized without a warrant.
    - (b) The seizure is in the course of a constitutionally valid criminal investigative stop, arrest or search, and there is probable cause to believe that the property is subject to civil forfeiture.
    - (c) The property is directly or indirectly dangerous to the health or safety of any person.
    - (d) An owner consents to the seizure.
- (b) Criminal forfeiture
  - (a) Property that is subject to a court order (ORS 131.561).
  - (b) Property that is not subject to a court order when (ORS 133.535; ORS 131.561):

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- (a) The property subject to criminal forfeiture is also evidence of a crime or is illegal to possess.
- (b) There is probable cause to believe that the property is subject to criminal forfeiture.

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

### 606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds
- (b) A conveyance owned by a common carrier or person who did not consent to the offense in question or had no knowledge of the offense (i.e., an "innocent owner") (ORS 131.558)

### 606.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be towed to a designated secure storage facility. The officer seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as practicable.

Seized vehicles should be towed, not driven, to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property, as either evidence or for safekeeping.

Vehicles lawfully seized, that contain a hidden compartment as defined in ORS 131A.005, should have the hidden compartment disabled or removed prior to release (ORS 131A.030).

### 606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

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The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

### **606.5 MAINTAINING SEIZED PROPERTY**

The Property and Evidence Section supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

### **606.6 FORFEITURE REVIEWER**

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly ORS 131.550 et seq., ORS 131A.010 et seq., and Or Const, Art XV, § 10 and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should

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contact federal authorities when appropriate (see the restrictions in Or Const, Art XV, § 10).

- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
  - 1. Names and contact information for all relevant persons and law enforcement officers involved.
  - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
  - 3. A space for the signature of the person from whom cash or property is being seized.
  - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
  - 5. Other information as necessary to comply with the form requirements of ORS 131.570 and ORS 131A.055.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Interim Directive. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
  - 1. Written documentation of the seizure and the items seized is in the case file.
  - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
  - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property. Information on the notice to interested parties can be found in ORS 131.561, ORS 131.570, ORS 131A.150 and ORS 131A.230. Information on the notice of intent to forfeit real property with the county can be found in ORS 131.567.
  - 4. Property is promptly released to those entitled to its return.
  - 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
  - 6. Any cash received is deposited with the fiscal agent.

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7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
  8. Current minimum forfeiture thresholds are communicated appropriately to officers.
  9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
  - (j) Ensuring that the Department disposes of property as provided by law following any forfeiture.
  - (k) Ensuring the forms and receipts provided for field use comply with ORS 131.570 and ORS 131A.055. A consensual search of a motor vehicle form should be available for field use as well (ORS 131A.025).
  - (l) Disabling hidden compartments in vehicles when appropriate (ORS 131.566; ORS 131A.030).
  - (m) Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures,
  - (n) Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

#### **606.7 DISPOSITION OF FORFEITED PROPERTY**

Property forfeiture through the criminal forfeiture process shall be disposed of in accordance with ORS 131.594 and the associated statutes including priority payments for costs and to victims, as applicable. Forfeited cigarettes shall be destroyed, not sold (ORS 131.604).

Criminally forfeited lab equipment may be donated to educational institutions (ORS 131.594).

##### **606.7.1 DISPOSITION OF RECORDS**

Written documentation of each sale, decision to retain, transfer or other disposition of criminally forfeited property will be maintained and any information requests necessary for the forfeiture counsel's electronic reports shall be addressed (ORS 131.600).

#### **606.8 CONSENSUAL SEARCH OF MOTOR VEHICLE**

Officers should use a consensual search of a motor vehicle form when requesting a consensual search of a motor vehicle (ORS 131A.025).



## Case Activation and Deconfliction

### 607.1 PURPOSE

The St. Helens Police Department recognizes the importance of deconfliction and the sharing of information with other law enforcement agencies. Deconfliction and proper case activation procedures will enhance officer safety and efficiency of criminal investigations. As such, the following procedure will be adhered to when executing a planned operation or conducting a felony level criminal investigation. In most instances this procedure will not apply to general patrol level investigations.

### 607.2 DEFINITIONS

**Deconfliction** : A process that law enforcement officers rely upon to enhance their safety. By notifying a central location of a planned event prior to its execution, officers will not accidentally target another law enforcement officer or compromise another investigation.

**Planned Operation** : For the purposes of deconfliction, an operation (or event) is defined as any pre-planned tactical or investigative operation by St. Helens Police Department personnel that officers should reasonably believe could subject officers, informants, property, and/or the general public to greater than normal peril – meaning there is a potential for injury to officers or others, and/or damage or loss of property due to misfortune or the intentional criminal conduct of others.

Events include, but are not limited to, the following:

- (a) The service of search warrants;
- (b) The service of arrest warrants;
- (c) The planned arrest of a person immediately after he or she has delivered or received, or attempted to deliver or receive, contraband to or from an officer or informant (“buy-busts”, “stings”);
- (d) Taking delivery of contraband from a suspect who is not arrested, but allowed to leave pending further investigation (“buy-walk”);
- (e) Informant or officer face-to-face meetings with suspects for the purpose of receiving, delivering, or negotiating the receipt or delivery of contraband;
- (f) Approaching a person at his or her place of domicile and requesting permission to search contraband (“knock and talk”);
- (g) Elaborate or protracted surveillances, whether stationary or mobile, particularly those occurring in the jurisdiction of a non-participating law enforcement agency or outside of the task force service area.
- (h) Covert activity by task force officers, or by informants acting under the direction of task force officers, that could initiate a response from citizens or local police who may reasonably believe that a crime is in progress;

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## *Case Activation and Deconfliction*

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**Safety Plans** : The formal document containing all information pertinent to the operation (objectives, suspects, participating officers and their responsibilities, contingency plans, deconfliction efforts, etc.). Safety plans are required for any event described in 1 through 8 above.

**Western States Information Network (WSIN)** : One of the Regional Information Sharing System (RISS) projects created by congress in the 1970's to connect law enforcement investigations (RISSIntel) and deconfliction operations (RISSafe) nationally. WSIN provides a centralized information system located in Sacramento, California, where law enforcement agencies and HIDTA projects report information regarding the identification of criminal suspects and conduct deconfliction for planned operations.

**High Intensity Drug Trafficking Area (HIDTA)**: The HIDTA program, created by Congress with the Anti-Drug Abuse Act of 1988, provides assistance to local, state, tribal and federal law enforcement agencies operating in areas determined to be critical drug-trafficking regions of the United States. The Northwest HIDTA Watch Center, located in Seattle, provides event deconfliction services to all agencies or task forces, regardless of HIDTA designation.

HIDTA assists agencies with investigative de-confliction by searching and storing information in RISSIntel and by de-conflicting operations utilizing RISSafe. Event details and operational plans are held in strict confidence and are used only to identify operational and or case/subject conflicts.

WSIN works hand and hand with the HIDTA projects nationally. When Watch Center services are required, officers may call the Oregon DOJ HIDTA Watch Center at 1-800-442-6248. After normal operating hours (M-F from 7:30AM to 5:30PM), calls to this number will automatically be forwarded to WSIN's Watch Center in Sacramento, California.

### **607.3 DECONFLICTION PROCEDURE**

The assigned detective or officer shall report all planned operations to the Watch Center by telephone or by completing an online submission. Event information can be transmitted electronically using RISSafe utilizing a computer or any smart phone or tablet. When completing an online submission, officers should print a copy of the RISSafe deconfliction and attach it to the Safety Plan. In either case, deconfliction must occur at least two hours prior to the planned operation to allow sufficient time for Watch Center employees to identify potential conflicts and/or case overlaps.

The case officer will provide the following information at a minimum to the Watch Center:

- (a) Date and time of planned operation;
- (b) Nature of the operation;

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- (c) Location of operation, including any staging areas;
- (d) Information about the suspect(s), including full names, aliases or street names, physical descriptors, vehicle information, telephone and violence potential;
- (e) Lead and other participating (OPA) agency names;
- (f) Name and office of the assigned detective, including cellular telephone number

The case officer should request to be notified of any other planned law enforcement activities occurring within 1 mile of the planned operation. The case officer shall also notify their direct supervisor that notification to WSIN has been made. Should the Watch Center detect other law enforcement activity occurring within the designated area, the Watch Center will notify both agencies and encourage contact with one another to de-conflict. Any (insert agency or task force name) personnel receiving event conflict information from the Watch Center will immediately notify the case officer and the agency or task force supervisor.

If the event will occur in the jurisdiction of a non-participating agency, prior notice will be given to the communications center of that agency. If it occurs in the service area of another local drug task force, notice will be given to any person from that task force.

All deconfliction efforts will be documented on the safety plan, whether it is an abbreviated plan or full plan, to including the name, title, and agency of any persons notified, and the time and date of the notification.

Any exemption or deviation from this procedure or a request from a detective or officer to maintain a higher level of confidentiality shall be considered on a case-by-case basis and approved only command level officer

A RISSafe Deconfliction check box has been added to the agency Safety/RAID Plan. The date/ time, and operator worked with to deconflict shall be documented.

### **607.4 CASE ACTIVATION PROCEDURE**

Upon the assignment of an active felony investigation on a named suspect, detectives shall run all suspects through both the databases.

In cases meeting the criteria outlined below, detectives shall enter the suspect and all associated suspects and case identifiers to the WSIN RISSIntel database. This notification shall take place by either entering the information directly into the WSIN RISSIntel database via the Internet or by

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calling the Watch Center. If the detective discovers that no previous record of the suspect exists in WSIN, the detective will proceed with the new entry (Submittal Card). If the detective discovers that a record of the suspect already exists in the WSIN RISSIntel database, the detective will link a Submittal Card with their information to the existing record.

Entry into the WSIN RISSIntel database should be guided by, but not necessarily limited to the following types of cases:

- (a) Suspects or groups engaged in on-going criminal enterprise activities that may involve examples of serial property crimes such as auto theft rings, financial crime rings, burglary rings, organized retail theft, or criminal gang activities. Back-up documentation of reasonable suspicion of the criminal group or suspect(s) criminal enterprise is required.
- (b) Suspects in high profile cases such as homicide investigations, robberies, and hate crimes.
- (c) Subjects involved in drug trafficking, weapons trafficking, human trafficking, manufacturing of control substances etc...
- (d) Any other time the officer has reasonable suspicion of criminal activity and would like to share and possibly connect intelligence referencing that activity with law enforcement at all levels of government, nationally.

This list is not designed to be all-inclusive. Detectives shall consult with their direct supervisor if there is any doubt over whether or not to make an entry.

A Case Activation checkbox will be added to the Detective Case Checklist that accompanies all detective case files. This box will be checked only after an inquiry through RISSIntel on a suspect has been conducted, and a submission made into RISSIntel, if applicable.

### **607.5 DISSEMINATION**

The WSIN database has three levels of confidentiality: full release, limited release, and no release (restricted). Detectives making entries in to WSIN may select open - release all information, release limited information, or restricted - no information release. Before any entry is labeled as no information release, it must first be reviewed and approved by a supervisor. As noted above, any exemptions to the case activation procedure must be reviewed on an individual basis and approved by a command level officer.

The information submitted to the WSIN database remains the property of the submitting agency, which controls the input and dissemination of its information in accordance with current laws and the agency's disclosure policies. A controlling agency must grant written permission for disclosure of its information by another law enforcement agency.

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## *Case Activation and Deconfliction*

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### **607.6 INTELLIGENCE SHARING**

Generally, authorized personnel may only enter “general intelligence” into the WSIN database in accordance with Title 28, Part 23 - Code of Federal Regulations (28 CFR Part 23). There must be reasonable suspicion that an individual is involved in criminal activity or conduct and that the information is relevant to that criminal activity or conduct. No criminal intelligence information shall be maintained or collected based solely upon political, religious, or social views, associations, or activities of any individual or any group or organization unless such information directly relates to criminal activity or conduct and there is reasonable suspicion that the subject of the information is or may be involved in criminal activity.

### **607.7 TRAINING AND ACCESS**

All detectives, officers and administrative staff with assignments that could require them to perform case activation or deconfliction will receive WSIN training enabling them to navigate through the computer program as well as obtain security access to the system. Detectives, officers or administrative staff who do not have WSIN training and/or security access to the WSIN system will partner with a detective/officer who does have training and access to comply with the case activation requirements of this procedure.

# Sexual Assault Investigations

## 607.1 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.

### 607.1.1 DEFINITIONS

Definitions related to this policy include:

**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 composed of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or 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.

## 607.2 POLICY

It is the policy of the St. Helens 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.

## 607.3 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.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate 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 therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable (ORS 147.401).

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## *Sexual Assault Investigations*

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### **607.4 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

### **607.5 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 Detective Section 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.

### **607.6 TRAINING**

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
  - 1. Initial response to sexual assaults.
  - 2. Legal issues.
  - 3. Victim advocacy.
  - 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  - 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.

### **607.7 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to C-Com, 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.

Whenever possible, a member of the SART should be included in the initial victim interviews.

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., change

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### *Sexual Assault Investigations*

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of clothes, bathing). 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.

No opinion of whether the case is unfounded should be included in a report.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

#### **607.7.1 POLYGRAPH EXAMINATION OF VICTIMS**

Victims and any complaining witness in a case involving the use of force, violence, duress, menace or threat of physical injury in the commission of any sex crime under ORS 163.305 through ORS 163.575, shall not be required to submit to a polygraph examination as a prerequisite to filing criminal charges (34 USC § 10451; ORS 163.705).

#### **607.8 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.

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 assist with 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 evidence should be collected and stored appropriately.

#### **607.8.1 COLLECTION AND TESTING REQUIREMENTS**

A sexual assault forensic evidence kit shall be obtained from a medical facility within seven days after the medical facility notifies the Department that the kit has been collected. 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).



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Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

#### **607.8.2 DNA TEST RESULTS**

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable. Investigating members should work with the crime victim liaison as provided in the Victim and Witness Assistance Policy.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations 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.

#### **607.9 DISPOSITION OF CASES**

All complete sexual assault investigations, regardless of finding, will be forwarded to the Columbia County District Attorney's office for review.

#### **607.10 CASE REVIEW**

The Detective Section supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

## Chapter 7 - Equipment

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## 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 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 Lieutenant shall be responsible for developing and maintaining procedures for the inventory control of department property.

#### 700.2.1 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.
  1. A supervisor receiving such a report may conduct an investigation and direct a memo to the Lieutenant, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.
  2. 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 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.

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## *Department-Owned and Personal Property*

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### **700.3 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 his/her chain of command.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the Lieutenant, 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.

#### **700.3.1 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 City of St. Helens 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 memo to the Lieutenant which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

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## 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 or funded 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 St. Helens Police Department allows members to utilize department-issued or funded 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 any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

### 701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

### 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.

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## *Personal Communication Devices*

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Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

### **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). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
  - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
- (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.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the St. Helens Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.
- (h) The PCD shall never be used to access, process, store or transmit Criminal Justice Information (CJI) or protected information as defined in policy 808 Protected Information.

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

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## *Personal Communication Devices*

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compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from his/her 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.

### **701.6 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 shall 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.
- (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.

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## *Personal Communication Devices*

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- (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, 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 the Lieutenant, who will arrange for vehicle maintenance or repair.

#### 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

Officers will conduct daily inspections of their vehicle at the start of each shift. Officers will ensure that all items on the vehicle inspection sheet are included in their patrol vehicle, and in serviceable condition. If an officer locates an item requiring attention, the officer shall document that deficiency on the vehicle inspection sheet. That officer shall report the deficiency to his or her shift supervisor for that shift. The supervisor will determine if the vehicle will remain in service based on the deficiency. If no supervisor is on duty and the deficiency is related to:

Emergency lighting

Radio

First aid kit

Lifesaving equipment (gunshot trauma kit)

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### *Vehicle Maintenance*

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That vehicle will be taken out of service and an email sent to the officer's immediate supervisor.

If the deficiency is related to replaceable equipment such as road flares, crime scene tape, etc, the officer will replace that equipment from department storage. The officer will document that the equipment has been replenished on the vehicle inspection sheet. The administrative sergeant will ensure that proper stock of replaceable equipment is kept and accessible to officers.

Officers will submit their vehicle inspection sheet to an inbox supplied in the briefing area. The shift supervisor will review the vehicle inspection sheet. The supervisor will submit the completed forms to the records division where they will be scanned into a supervisory folder where they will remain for a period of 1 year. The original document will be destroyed.

#### **702.3.2 UNMARKED VEHICLES**

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 5 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Fire extinguisher
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection supplies
- 1 Camera

#### **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 WASHING OF VEHICLES**

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance. Officers should wash their assigned department vehicles at the department wash bay using city-supplied supplies.

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Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

### **702.6 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 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.

### **702.7 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.

## 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 City of St. Helens to provide assigned take-home vehicles.

### 703.2 POLICY

The St. Helens 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.

#### 703.2.1 SHIFT ASSIGNED VEHICLES

Assigned employees 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 assignment to that vehicle. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor.

All vehicles used in patrol operations are equipped with a police radio and emergency equipment as defined by Oregon Revised Statutes 816.250 and Oregon Administrative Rules 735-110-0010 through 735-110-0050. Vehicles with defective emergency equipment should be promptly reported to a supervisor and not used for patrol duties.

#### 703.2.2 UNDERCOVER VEHICLES

Undercover units shall not be used by persons not assigned to that vehicle without first obtaining approval from the respective unit supervisor.

#### 703.2.3 AUTHORIZED PASSENGERS

Personnel operating city owned vehicles shall not permit persons other than employees, persons required to be conveyed in the performance of duty, or as otherwise authorized to ride as a passenger in their vehicle.

#### 703.2.4 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

### 703.3 USE OF VEHICLES

#### 703.3.1 SHIFT ASSIGNED VEHICLES

The Lieutenant shall ensure that the vehicle assignment roster, indicating member assignments and vehicle numbers, is completed. If a member exchanges vehicles during his/her shift, the member shall notify the watch commander.

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#### 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 the Patrol Sergeant. A notation will be made on the shift assignment board indicating the member's name and vehicle number.

#### 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.

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 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, he/she should exchange the vehicle 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 Lieutenant approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

#### 703.3.5 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

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### *Vehicle Use*

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Members shall not duplicate keys. The loss of a key shall be promptly reported through the member's chain of command.

#### **703.3.6 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.

#### **703.3.7 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.

#### **703.3.8 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.

#### **703.3.9 ACCESSORIES AND/OR MODIFICATIONS**

There shall be no modifications, additions or removal of any equipment or accessories without permission from the Lieutenant.

### **703.4 UNMARKED VEHICLES**

Unmarked vehicles are assigned to various sections and their use is restricted to the respective section and the assigned member, unless otherwise approved by a supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the section for that purpose. Any use of unmarked vehicles by those who are not assigned to the section to which the vehicle is assigned shall also be recorded with the Patrol Sergeant on the shift assignment roster.

### **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 department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Patrol Sergeant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

#### **703.5.1 ACCESSORIES AND/OR MODIFICATIONS**

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the Lieutenant.

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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.

## **Chapter 8 - Support Services**



# Property and Evidence

## 800.1 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.

## 800.2 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 citizen 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
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

## 800.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, valued at \$250.00 or more, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence. When not specifically addressed by this manual, collection and handling of all evidence and property should follow the guidelines established by the State of 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 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 without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

### 800.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

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- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right-hand corner of the bag.
- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

#### 800.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs (including paraphernalia as defined by ORS 475.525(2)) shall be booked separately using a separate Property Record.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by two copies of the form for the Records Section and Detectives. The remaining copy will be detached and submitted with the case report.

#### 800.3.3 EXPLOSIVES/HAZARDOUS SUBSTANCES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Patrol Sergeant. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives. In the event of military ordnance, the closest military unit shall be notified and will be responsible for removal of the device.

Explosives will not be retained in the police 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. The property officer is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

#### 800.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. 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.

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- (b) License plates found not to be stolen or connected with a known crime should be released directly to the property officer or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the property officer or placed in the bicycle storage area until a property officer can log the property.
- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Patrol Sergeant shall be contacted for cash in excess of \$1,000 for special handling procedures.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

#### 800.3.5 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 officer 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.

#### 800.3.6 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 St. Helens 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 shall be handled by the Detective Section, which shall assign a detective to ensure their proper collection and preservation. When a medical facility notifies this department that evidence of a sexual assault has been collected and a SAFE Kit is available, the assigned detective shall be responsible for the following:

- (a) Respond promptly to the medical facility to retrieve the evidence.
- (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) Ensure that no identifying information regarding the victim, other than the case number, is visible on the evidence packaging.
- (d) Prepare and submit an evidence report and book the evidence in accordance with current evidence procedures.

A SAFE Kit collected for a victim 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.

### **800.3.7 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 the original receipt to the Police Support Specialist for timely filing with the court (ORS 166.537).

### **800.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition). A flex cuff or similar device should be inserted through the chamber, barrel, or cylinder whenever possible.
- (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

#### **800.4.1 PACKAGING CONTAINER**

Employees shall package all property in a suitable container available for its size. Knife boxes should be used to package knives. All packages containing evidence must be sealed with evidence tape, initialed, and dated across the seal.

Needles or syringes will normally be disposed of in a sharps container and will not be submitted to the Property Room; however, when required for evidence in a serious crime or in a major investigation, a syringe tube should be used for packaging.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

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#### 800.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by all copies of the property record. 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 an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container.

#### **800.5 RECORDING OF PROPERTY**

The property officer receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the St. Helens Police Department shall be noted in the property logbook.

#### **800.6 PROPERTY ROOM SECURITY**

Access to the Property Room is limited to property officers unless visitors are logged in and out, including the time, date and purpose of entry. All personnel entering the Property Room must be accompanied at all times by a property officer.

Annual independent audits will be completed of the Property Room function with an audit report to the Chief of Police.

##### 800.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package 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 his/her supervisor.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property officer. This request may be filled out any time after the booking of property or evidence.

##### 800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The property officer releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining

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laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

#### 800.6.3 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 in the Evidence Manager system, stating the date, time and to whom released.

The property officer shall obtain the 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 on the Evidence manager system, indicating date, time, and the person who returned the property.

#### 800.6.4 RELEASE OF PROPERTY

Property may be released to a verified owner at the discretion of the property officer without further authorization. A property officer 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 on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Section for filing with the case. If some items of property have not been released, the property card will remain with the property division. Upon release, the proper entry shall be documented in the Property Log.

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.

Unless the owner is known, found property and property held for safekeeping will be held for at least 90 days.

#### 800.6.5 RELEASE OF EVIDENCE

Evidence may only be released with the authorization of the DA'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 officer will request a disposition authorization from the DA's office and the assigned officer or detective. Care should be taken to 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 an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall

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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.

#### 800.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the St. Helens 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 St. Helens Police Department may wish to file an interpleader to resolve the disputed claim (ORCP 31).

#### 800.6.7 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)):

- He/she may lawfully possess the deadly weapon.
- He/she did not consent to the prior possession of the deadly weapon by the person subject to the extreme risk protection order.
- He/she 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).

#### 800.6.8 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.

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- (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).

### **800.7 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 officer 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.

#### **800.7.1 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 St. Helens Police Department as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of the St. Helens 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.

#### **800.7.2 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 public use

#### **800.7.3 RETENTION OF BIOLOGICAL EVIDENCE**

The Property and Evidence Section supervisor 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



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- (d) Any sexual assault victim
- (e) The Detective Section supervisor

Biological evidence shall be retained for a minimum period established by law (ORS 133.707), the Property and Evidence Section 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 Detective Section supervisor.

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 Detective Lieutenant should be consulted and the sexual assault victim should be notified.

The Property and Evidence Section supervisor should incorporate OAR 137-140-0030 et seq. as applicable to the preservation and documentation of biological evidence. Sexual assault kits, including anonymous kits, shall be retained by the Department no less than 60 years after the collection of the evidence (ORS 181A.325).

#### **800.8 INSPECTIONS OF THE EVIDENCE ROOM**

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.
- (c) An annual audit of evidence held by the Department shall be conducted by a Lieutenant appointed by the Chief of Police who is not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual(s) not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

## Department Financials

### 801.1 PURPOSE

To provide procedures for the processing of Accounts Payable and Accounts Receivable for the St. Helens Police Department.

### 801.2 POLICY

It is the policy of this publicly funded agency to be good stewards of our financial resources through strict adherence to sound fiscal management guidelines.

### 801.3 AUTHORIZATION

While the ultimate authority for fiscal management rests with the Chief of Police, other personnel are authorized to approve purchases within accordance of SHMC 2.04 -Public Contract Code.

Police Department personnel who are specifically authorized to approve purchase orders, charge accounts and credit cards, are;

- (a) Chief of Police
- (b) Lieutenant
- (c) Sergeants
- (d) Police Support Specialist

Other staff may be granted limited authority by the Chief of Police in order to accommodate an operational need.

### 801.4 ACCOUNTS RECEIVABLE

Any employee who receives cash for police administrative services (i.e. vehicle impound fees, public records requests) will;

- (a) Issue a receipt to the person requesting and paying for administrative services.
- (b) Submit a copy of the receipt and the cash payment to the Police Support Specialist.
- (c) The Police Support Specialist will submit the cash along with a brief memorandum to the Finance Department, indicating the accounts to be credited.
- (d) The Police Support Specialist will maintain an accounting system that identifies initial balance, cash received, disbursed and the balance on hand.

After the initial receipt by police department personnel, all Accounts Receivable will be processed, received, maintained and audited by the Finance Department.

### 801.5 ACCOUNTS PAYABLE

All unpaid bills or invoices will be appropriately matched to supporting documents and coded to a budget appropriation line item and then submitted by the Chief of Police or a designee to the Finance Department.

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Authorized check requests will be attached to invoices or billing statements and forwarded to the Finance Department for the issuance of a check.

### **801.6 GRANTS**

#### A. Coordination

All grants funds received by the Police Department will be coded and deposited through the Finance Department.

#### B. Documentation

- (a) All grant documentation will be processed by the Chief of Police or a designee.
- (b) The Chief of Police and the designee will be responsible to document all items necessary for compliance with the grant requirements.
- (c) Requests for grant reimbursement and grant reports will be prepared by the Chief of Police or a designee and routed through the Finance Department for verification and validation of City's financial records.
- (d) All equipment purchased through grant funds will be appropriately tagged and inventoried using the original grant guidelines.

### **801.7 AUDITS**

Audits of the St. Helens Police Department's fiscal activities will be conducted annually and coordinated by the Finance Department in accordance with Federal, State and City regulations.

## Records Section

### 802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the St. Helens Police Department Records Section. The policy addresses department file access and internal requests for case reports.

### 802.2 POLICY

It is the policy of the St. Helens Police Department to maintain department records securely, professionally, and efficiently.

### 802.3 RESPONSIBILITIES

#### 802.3.1 POLICE SUPPORT SPECIALIST

The Chief of Police shall appoint and delegate certain responsibilities to a Police Support Specialist. The Police Support Specialist shall be directly responsible to the Administration Lieutenant or the authorized designee.

The responsibilities of the Police Support Specialist include but are not limited to:

- (a) Maintaining the efficient and effective operation of the Records Section.
- (b) Scheduling and maintaining Records Section time records.
- (c) Maintaining and updating a Records Section procedure manual.
- (d) Ensuring compliance with established policies and procedures.
- (e) Coordinating the access, use, and release of protected information (see the Protected Information Policy).
- (f) Recommending 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
- (g) 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 RECORDS SECTION

The responsibilities of the Records Section include but are not limited to:

- (a) Maintaining a records management system for case reports.
  1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

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- (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 files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. 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 the Records Section, and accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Patrol Sergeant.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

##### **802.4.1 ORIGINAL CASE REPORTS**

Generally, original case reports shall not be removed from the Records Section. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Section. All original case reports removed from the Records Section 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 the Records Section.

All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

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#### **802.5 CONFIDENTIALITY**

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute, any record, file, or report, whether in hard 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 Records Section procedure manual.

#### **802.6 REPORTING CRIME STATISTICS**

Uniform Crime Reporting (UCR) codes shall be assigned to all crime reports in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. It is the responsibility of Records Section personnel to enter such information into the St. Helens Police Department data system and ensure that such information is transmitted on a monthly basis to the Oregon State Police Law Enforcement Data System (LEDS) (ORS 181A.225).

## Restoration of Firearm Serial Numbers

### 803.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

### 803.2 PROCEDURE

Any firearm coming into the possession of the St. Helens Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

#### 803.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

#### 803.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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#### **803.2.3 OFFICER RESPONSIBILITY**

The property officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

#### **803.2.4 DOCUMENTATION**

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

#### **803.2.5 FIREARM TRACE**

After the serial number has been restored or partially restored by the criminalistics laboratory, the property officer will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or the data may be entered into the ATF [eTrace](#) system.

#### **803.3 BULLET AND CASING IDENTIFICATION**

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes.



## 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 St. Helens 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:
  1. Identifying the minimum length of time the Department must keep records.
  2. Identifying the department section 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)(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 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

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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 Attorney General or the District Attorney, the Department will have the burden to support the denial (ORS 192.401; ORS 192.415).

### 804.4.2 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.
- (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 a 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 on when 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, if no exemption applies 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

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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 waived the fee. If the fee is not paid within 60 days of informing the requester of the fee or the Department has denied a 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 (ORS 192.324).

### 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, motor vehicle record, or any department record, including traffic collision reports, 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 law enforcement purpose (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).
  1. 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 181A.825).
- (e) A photograph of public safety personnel without the written consent of that member (ORS 181A.830).
- (f) Personnel discipline action, including materials or documents supporting the action, unless allowed by law (ORS 181A.830; 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.255; 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) Ongoing litigation records, including those created in anticipation of potential litigation (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 prohibited by federal law (ORS 192.355).
- (p) Any public records or information prohibited, 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 or under the lawful supervision of a state agency, a court, or a unit of local government are exempt from disclosure for 25 years after termination of such custody or supervision. Disclosure of the fact that a person is in custody is allowed (ORS 192.398).
- (s) Audio or video recordings from a member's body-worn camera that record the member's interaction with members of the public. Such recordings may only be disclosed under the conditions provided by ORS 192.345, including facial blurring.
- (t) Personal information of complainants and of officers who are the subject of bias-based policing complaints. Personal information for this purpose means 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 law enforcement agency 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.

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 EXPUNGEMENT**

Expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall 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 expunged, members shall respond to any inquiry as though the record did not exist (ORS 137.225).

### **804.8 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):

- (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.

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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 St. Helens 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.

## LEDS/NCIC Validations

### 805.1 PURPOSE

This policy provides guidance related to the confirmation of the validity, accuracy and completeness of records entered into LED and NCIC in conformance with Oregon Administrative Rules.

### 805.2 POLICY

The St. Helens Police Department is committed to maintaining accurate records in a manner that is consistent with the Oregon Administrative Rules.

### 805.3 VALIDATION PROCEDURES

A. Upon receipt of LEDS/NCIC validation sheets on entries for stolen vehicles, stolen vehicle parts, stolen boats, stolen guns or stolen securities, a LEDS Representative will validate the records in the following manner:

1. Determine the owners name and address from the computer entry or police report for entries that have not been cancelled.
  - a. Send validation letters to each to confirm that the item is still missing.

Indicate that the letter is to be returned within 15 days from the date the letter is being sent.

- b. If the letter is not returned to indicate the item is still missing by the required due date remove the entry from LEDS/NCIC.

For cases prior to 2016, print the cancellation response and file numerically in the case file.

For cases in 2016 and later, save or scan the cancellation response as a .pdf file and attach it to the case records in the Records Management System.

2. Indicate any action taken beside each entry on the validation sheet and the date the action was taken.
  3. Upon validation or removal of all of the records, validation sheets and a printout of the associated LEDS/NCIC record shall be double checked by a supervisor.

B. Upon receipt of LEDS/NCIC validation sheets on entries for wanted persons, a LEDS Representative will validate the records in the following manner;

1. Warrant entries stay in LEDS/NCIC until served, recalled or purged by LEDS/NCIC in accordance with their retention schedule.
2. Check warrants on the validation list against warrants on file to ensure that information in the entry is accurate and complete. Modify the record as needed.

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- a. If the warrant is not in the file, cancel the warrant entry.
  3. Indicate by each warrant entry on the validation sheet if the entry is "ok" or "cancelled" or needs modification.
  4. Send an email to the St. Helens Municipal Court asking for verification of warrants. Keep a copy of the email with the validation list.
  5. Upon receipt of verification from the St. Helens Municipal Court, remove or modify entries as directed by the court.
  6. Upon validation or removal of all entries, validation sheets and a printout of the associated LEDS/NCIC records shall be double checked by a supervisor.
- C. Upon receipt of the LEDS/NCIC validation sheets on entries for runaways and missing persons, a LEDS Representative will validate the records in the following manner;
1. Missing persons and runaway entries shall stay in LEDS/NCIC until the person is located or a cancellation is received from the reporting party.
  2. Make telephonic contact with the person who made the missing person or runaway report to confirm that the record is still active and the information in the entry is accurate.
  3. Clear, cancel or modify the entry if necessary.
  4. Indicate beside each entry what action was taken and the date and time.
  5. Upon validation or removal of all entries, validation sheets and a printout of the associated LEDS/NCIC records shall be double checked by a supervisor.
- D. Upon receipt of LEDS/NCIC validation sheets for entries on stolen license plates and all other stolen articles not listed above, the LEDS Representative will validate the record in the following manner; .
1. Ensure that the information in the entry matches what is in the report.
  2. Clear, cancel or modify the entry if necessary.
  3. Indicate beside each entry what action was taken and the date.
  4. If the entry is past the LEDS/NCIC retention period, cancel the entry.
  5. Upon validation or removal of all entries, validation sheets and a printout of the associated LEDS/NCIC records shall be double checked by a supervisor.



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E. Once all types of validations have been verified and double checked , the LEDS Representative shall complete a validation certificate and submit it to LEDS. A copy of the certificate shall be attached to the validation sheets and maintained in the records section.

### **805.4 LEDS/NCIC RECORDS PURGE NOTIFICATIONS**

Records purged by LEDS/NCIC will be handled in the same manner as the LEDS/NCIC validation procedures and re-entered if the victim indicates the need for such entry.

## Protected Information

### 806.1 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 St. Helens 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.

#### 806.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the St. Helens 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.

### 806.2 POLICY

Members of the St. Helens 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.

### 806.3 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.

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#### **806.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, St. Helens 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.

##### **806.4.1 ACCESS TO OREGON STATE PATROL OFFENDER INFORMATION**

Access to Oregon State Patrol (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).

##### **806.4.2 CRIMINAL RECORD SECURITY OFFICER**

The Police Support Specialist is the designated Criminal Record Security Officer for the St. Helens Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of criminal history.

##### **806.4.3 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 his/her 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 his/her record and, if necessary, how to challenge the accuracy or completeness of that record.

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- (c) **Release of criminal offender information to field personnel:** St. Helens 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 citizen 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](http://www.osp.state.or.us).

### **806.5 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 Police Support Specialist 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 the Records Section 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.

#### **806.5.1 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).

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An individual may review his/her 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 192.410 through ORS 192.311 et seq). Individuals requesting this information shall be referred to the originating agency.

### **806.6 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.

#### **806.6.1 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).

### **806.7 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.

#### **806.7.1 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).

#### **806.7.2 DESTRUCTION OF CRIMINAL OFFENDER INFORMATION**

When a hard drive, floppy disk, CD, or other storage device is disposed of, it shall be done in accordance with established this policy.

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Physical media (print-outs and other physical media) shall be disposed of by one of the following methods:

- (a) Shredding using a St. Helens Police Department shredder.
- (b) Placed in a locked shredder bin for on-site shredding by a private contractor, witnessed by a department member with CJI training.

Electronic media (hard-drives, tape cartridge, CD's, printer ribbons, flash drives, printer and copier hard drives,

- (a) Overwriting (at least three times)
- (b) Degaussing- a method to magnetically erase data from magnetic media.
- (c) Destruction- destruction of magnetic media by methods of crushing, disassembling etc.

IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information

### **806.8 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).

The Lieutenant and Police Support Specialist shall coordinate the course to provide training in the proper use, control, and dissemination of criminal offender information.

### **806.9 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.

## Computers and Digital Evidence

### 807.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

### 807.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
  1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
  2. Disconnect the power cable from the back of the computer box (For laptops, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property and Evidence Section. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
  1. Where the computer was located and whether or not it was in operation.
  2. Who was using it at the time.
  3. Who claimed ownership.
  4. If it can be determined, how it was being used.

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- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

### **807.2.1 BUSINESS OR NETWORK COMPUTERS**

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence. Cases involving networks require specialized training which is available through the Northwest Regional Computer Forensic Lab, the Oregon State Police or another agency having certified examiners.

### **807.2.2 FORENSIC EXAMINATION OF COMPUTERS**

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to the Computer Forensic Examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

### **807.3 SEIZING DIGITAL STORAGE MEDIA**

Digital storage media, to include hard discs, floppy discs, CDs, DVDs, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request Property Control to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.



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- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

### **807.4 SEIZING PERSONAL COMMUNICATION DEVICES**

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

### **807.5 DIGITAL EVIDENCE RECORDED BY OFFICERS**

Officers handling and submitting evidence recorded by officers and stored digitally using digital cameras, audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

#### **807.5.1 COLLECTION OF DIGITAL EVIDENCE**

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

#### **807.5.2 SUBMISSION OF DIGITAL MEDIA**

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Section as soon as possible for submission into evidence.
- (b) Officers are not authorized to review or copy memory cards. The property officers are the only employees authorized to copy and/or distribute digital media made from the memory cards.

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- (c) As soon as possible following the collection of evidence, the officer should remove the memory card from their digital camera and place the card into a plastic carrier or container. Officers shall write their name and the related case number on a memo or note and deposit the media in the criminal detective's desk or in box for processing.
- (d) The property officer will make a copy of the memory card using appropriate storage media. Once it is verified that the images are properly transferred to the storage media, the property officer will erase the memory card for re-use. The storage media will be returned to the appropriate police vehicle.
- (e) Officers requiring a copy of the digital files should make the request through the detective division.

#### 807.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

#### 807.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

## Animal Control

### 808.1 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.

### 808.2 MEMBER RESPONSIBILITIES

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, responding personnel generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

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. In such circumstances, the member should find appropriate placement for the animal.
  - 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
  - 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
  - 3. 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.

### 808.3 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, the animal should be taken to a designated animal care facility.

#### 808.3.1 INJURED WILDLIFE

Injured wildlife should be referred to the Oregon Department of Fish and Wildlife or Oregon State Police, Fish and Wildlife Division.

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#### **808.4 POLICY**

It is the policy of the St. Helens 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.

#### **808.5 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.

#### **808.6 ANIMAL BITE REPORTS**

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

#### **808.7 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 a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

#### **808.8 DANGEROUS ANIMALS**

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Patrol Sergeant will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

#### **808.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

#### **808.10 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.

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### **808.11 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.

# Security and Integrity of Facilities and Information

## 809.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines for the protection of St. Helens Police Department property, information and assets through diligent attention to physical security and access control to the Police Department building, vehicles and other facilities or structures used by the Police Department.

## 809.2 DEFINITIONS

- Property- Dictionary definition
- Information- Any writings, drawings, printed material, photograph or other digital creation, report, notes, forms, documents or any other material or media used for the conveyance of information, either handwritten or electronic.
- Vehicle- Any car, truck, bus, van, trailer or any other mode of transportation used by the police department.
- Protected Areas- Any area of the building, property or vehicles that is not intended for public access. This includes all areas of the building other than the lobby, the garage, the fenced vehicle storage yard. This does not include the prisoner area of any police vehicle or subjects in police custody.
- Evidence Rooms- Specifically designated areas of the police building equipped with enhanced security and access control for the protection and security of items of evidentiary value in past or ongoing criminal cases.

## 809.3 POLICY

Access to the Police Department building, vehicles, information, information sources, computer systems and access points will be protected through physical security and access control measures.

## 809.4 PROHIBITIONS

No person(s) will be allowed unescorted access to any Police Department building or vehicle or access to any Police Department information or information source who is or has been the subject of any of the following:

- Any felony arrest and/or conviction, or
- Any misdemeanor arrest and/or conviction within the last three (3) years. (For purposes of this section, the date of the arrest or conviction that happened most recently shall be the date used to determine application of this section)

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## *Security and Integrity of Facilities and Information*

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- A person who is known to any Police Department staff member (reasonable suspicion) that is or has been involved in criminal activity, or
- Any person who is unknown or unidentified, or
- Any person who has undergone a criminal background check through any law enforcement agency or other government body and has failed the background check

If the identity of a visitor is unknown, the employee providing access to the visitor should ask for and verify the identity of the visitor.

### **809.5 EXCEPTIONS**

Occasional escorted access may be granted for the purpose of allowing service people to perform their functions. For example, the meter reader, the water delivery person, heating repair person or Cub Scout group may be escorted through the building to complete their work, function or tour. The escort will remain with the escorted person at all times when they are within the protected areas.

Any person who regularly has some type of work or function inside the Police Department will be subject to escorted access until that person successfully completes and passes a criminal background check, including fingerprint checks. Once a background check has been completed and passed, the person may be allowed to have unescorted access to our building and facilities, within any special restrictions set down by the department.

No persons, beyond those SHPD employees currently holding access authorization, will have access to the St. Helens Police Department evidence rooms without specific authorization from the department administration. No person shall be granted escorted access to the evidence rooms without a specifically defined need for that access and authorization from department administration.

### **809.6 ADDITIONAL SECURITY MEASURES**

Exterior doors should not be left open or propped open unless attended.

Building alarm codes should be changed intermittently.

Evidence room alarm codes should be changed with each change of assigned evidence room staff.

Back-door combination should be changed intermittently

Exterior lighting should be maintained for reliable operation.

Department vehicles containing computers or other confidential information should be locked whenever unoccupied. MCD, MDT or I-Pad screens should be protected from view by passengers who do not have CJIS clearance.

Computer passwords, door or alarm codes and combination should never be shared and computers should be "logged out" whenever unattended.

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Shredding of materials containing Criminal Justice Information (CJI) by a third party vendor shall be witnessed by an employee with CJIS clearance and training.



## Chapter 9 - Personnel

## Recruitment and Selection

### 900.1 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 St. Helens Police Department and that are promulgated and maintained by the Personnel Department.

### 900.2 POLICY

In accordance with applicable federal, state, and local law, the St. Helens 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.

### 900.3 RECRUITMENT

The Department 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, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Department 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 his/her status in the recruiting process.

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#### **900.4 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her 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 St. Helens Police Department (OAR 259-008-0015).

##### **900.4.1 NOTICES**

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

##### **900.4.2 REVIEW OF SOCIAL MEDIA SITES**

Due to the potential for accessing unsubstantiated, private or protected information, the Administration Lieutenant shall not require candidates to provide passwords, account information or access to password-protected social media accounts (ORS 659A.330).

The Administration Lieutenant 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 Administration Lieutenant should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

##### **900.4.3 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.

##### **900.4.4 RECORDS RETENTION**

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

##### **900.4.5 STATE NOTICES**

Background investigators shall ensure that investigations are conducted and notices provided in accordance with ORS 659A.320.

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### **900.5 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
- 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.

### **900.6 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 Personnel Department should maintain validated standards for all positions.

#### **900.6.1 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

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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
- (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

#### **900.7 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, military record)
  1. The personnel records of any applicant for [officer\_deputy] or reserve [officer\_deputy] shall be requested from any law enforcement agency where the applicant was previously employed and reviewed prior to extending an offer of employment (2020 Oregon Laws, c.7, § 4).
- (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.) and ORS 659A.320
- (g) Local, state, and federal criminal history record checks
- (h) Medical and psychological examination (may only be given after a conditional offer of employment)
- (i) Review board or selection committee assessment

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### 900.7.1 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.

## Testing Processes and the Veterans Preference

### 901.1 PURPOSE AND SCOPE

Consistent with Oregon law, the St. Helens Department of Police grants a preference to veterans and disabled veterans in the hiring and promotions process. This policy incorporates the definitions of "veteran" and "disabled veteran" set forth at ORS 408.225; an amendment in the law also will amend these definitions for purposes of this policy.

### 901.2 DEFINITIONS

Veteran means a person who:

(A) Served on active duty with the Armed Forces of the United States:

(i) For a period of more than 90 consecutive days beginning on or before January 31, 1955, and was discharged or released under honorable conditions;

(ii) For a period of more than 178 consecutive days beginning after January 31, 1955, and was discharged or released from active duty under honorable conditions;

(iii) For 178 days or less and was discharged or released from active duty under honorable conditions because of a service-connected disability;

(iv) For 178 days or less and was discharged or released from active duty under honorable conditions and has a disability rating from the United States Department of Veterans Affairs; or

(v) For at least one day in a combat zone and was discharged or released from active duty under honorable conditions; (B) Received a combat or campaign ribbon or an expeditionary medal for service in the Armed Forces of the United States and was discharged or released from active duty under honorable conditions; or (C) Is receiving a nonservice-connected pension from the United States Department of Veterans Affairs.

Disabled Veteran means:

a person entitled to disability compensation under laws administered by the United States Department of Veterans Affairs, a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty, or a person who was awarded the Purple Heart for wounds received in combat.

### 901.3 PROCEDURES AFTER RECEIPT OF APPLICATIONS FROM INTERESTED PARTIES

After the receipt of employment applications from interested parties, the following procedures apply.

#### 901.3.1 STEP ONE - INITIAL REVIEW OF APPLICATIONS

The first step in the process is to review all applications to determine whether the interested persons meet the minimum qualifications to be employed. The minimum qualifications are made public at the time the opening is posted inviting interested persons to apply. The minimum

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## *Testing Processes and the Veterans Preference*

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qualifications also will be posted on the Department of Police web site anytime an employment opportunity is announced.

In reviewing the applications, the reviewer checks the factual details to determine eligibility. All interested persons who meet the minimum qualifications are applicants and move forward in the selection process. Interested persons who do not meet the minimum qualifications do not move forward in the selection process.

### 901.3.2 STEP TWO - WRITTEN EXAMINATION

The Oregon Department of Public Safety Standards and Training requires that all Police Officers successfully complete a reading comprehension and writing test at the 12th grade level. Any applicant who is currently certified as a Police Officer in Oregon has already complied with that requirement and will not be required to take this written examination. An applicant who is certified as a Police Officer in another State will not be required to take the written exam so long as their certification is considered reciprocal in the State of Oregon and they are qualified to attend the Career Officer Development course presented by the Oregon Department of Public Safety Standards and Training.

Any applicant who is not currently certified as a Police Officer must take this written examination.

The written exam may be presented in one of two ways;

- The written exam used may be purchased from the Oregon Association of Chiefs of Police and is the Standard and Associates POST test. The full cost of the test, including the scoring of the test, is passed along to the applicants and is collected in advance at the time of testing.

A minimum qualification for the position of Police Officer is the ability to pass the written exam with a minimum score of 70% in each of the four test categories. Failure to reach this minimum qualification results in disqualification. No veterans' preference points are granted for the purpose of meeting the minimum qualifications.

Applicants scoring above the minimum qualification level as set above are ranked according to score. Those with the highest total scores will proceed to the next step in the hiring process. The test score is the average of the scores for the four test sections. Veteran preference points will be granted to applicants who are Veterans (5 points) or Disabled Veterans (10 points). The veteran preference points will be added to the average test score to attain the total score.

- Candidates may be asked to submit to a testing process presented by a third-party vendor such as the National Testing Network (NTN). If the department chooses to use this process, candidates will follow a procedure as detailed by that vendor. Candidates will be ranked according to their average final score. Veteran preference points will be granted to applicants who are Veterans (5 points) or Disabled Veterans (10 points). The veteran preference points will be added to the average test score to attain the total score. No veterans' preference points are granted for the purpose of meeting the minimum qualifications. Candidates who are graded as "good," "normal" or "some problem" in all categories will be invited to Step Two in the hiring process. Any candidate who is graded as "high risk" in any category will be disqualified.



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## *Testing Processes and the Veterans Preference*

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The full cost of the test will be borne by the applicant.

Applicants who are currently certified as Police Officers in Oregon, or are eligible for certification as described above, along with the highest ranked of those applicants who have taken the written examination will be invited to participate in Step Two of the process.

### 901.3.3 STEP THREE - ORAL INTERVIEW / HANDWRITTEN EXAMINATION

Step Three consists of an oral interview and handwritten essay testing.

The Oral Board will consist, when possible, of the Lieutenant (Board Chair), Sergeants and one individual who is not a department member (i.e. member of other department, member of City Council, citizen). All oral board members must be present for all interviews and must score all applicants. All scoring is conducted using department provided score sheets and pre-determined scoring methodology. All scoring for oral interviews is done based solely on the criteria set forth on the provided score sheets.

Handwritten essay testing will be conducted immediately following the completion of the oral interview. Applicants will be provided with materials and instructions necessary to complete a timed, hand-written essay examination.

No points from the Step Two written examination are included in this total. Veteran preference points will be granted to applicants who are Veterans (5 points) or Disabled Veterans (10 points).

At the conclusion of step 3, the top candidate will be advanced to the next step. Should the top candidate be eliminated during the remaining process, the candidate scoring in the second position will be advanced to the next step. This process may continue until an applicant is hired or until all qualified candidates have been eliminated.

### 901.3.4 STEP FIVE - CONDITIONAL OFFER OF EMPLOYMENT

Based on successful completion of step four, a conditional offer of employment should then be made to the top applicant. The offer informs the applicant that, if he/she successfully completes the post offer steps, that person will be hired for the open position. The post offer steps will be clearly established and articulated before the recruitment begins, including the required outcomes, as part of the offer. The conditional offer should be made in a written document.

### 901.3.5 STEP SIX- BACKGROUND INVESTIGATION

A complete and thorough background investigation will be conducted on all applicants after the conditional offer of employment is made and accepted. The background investigator may be an officer with the department or a contract service. The background investigator will provide a "hire / no hire" recommendation upon completion of the investigation.

Applications from an applicant who submitted to a background investigation that results in a "no hire" recommendation will not be accepted for a period of three years following the date of the "no hire" recommendation.

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## *Testing Processes and the Veterans Preference*

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### **901.3.6 STEP SEVEN - PHYSICAL ABILITIES TEST**

Candidates will be required to successfully complete the Oregon Physical Abilities Test (ORPAT). The administration is done pursuant to training and practices adopted by the department, including the maximum completion time. If the applicant fails to complete the test within the allowed time he/she is deemed to be disqualified. The test may be administered by a third party vendor during the application and testing phase (recruits) or by the police department (laterals).

No veterans' preference points are granted in this step.

### **901.3.7 STEP EIGHT - MEDICAL / PSYCHOLOGICAL**

The applicant will be directed to contact our vendor of medical services. The applicant must successfully complete the medical and psychological examination as set forth by the Oregon Board of Public Safety Standards and Training and the department, based on the duly adopted job description of the position for which the conditional offer of employment was made and the DPSST adopted minimum standards for a Police Officer.

No veterans preference points are granted in this step.

### **901.4 ADDITIONAL STEPS MAY BE ADDED**

For particular recruitments, the Department may require one or more additional steps. For example, the Department may include a Ride-Along with a supervisor or a Chief's Interview. In the event that one or more additional steps will be required in any particular recruitment, the Department will clearly establish and articulate such steps before the particular recruitment begins.

## Evaluation of Employees

### 902.1 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.

### 902.2 POLICY

The St. Helens Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and 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.

### 902.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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## *Evaluation of Employees*

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### 902.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered in the Reserve Officers Policy.

### 902.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 18 months before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

### 902.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

**Regular** - For patrol personnel and those assignments/positions that have scheduled shift changes, an evaluation "Employee Performance Summary" shall be completed twice a year in conjunction with the January and July shift changes. These two "Employee Performance Summary" forms will be combined in January of each year to make up one formal evaluation. For those assignments that do not require a shift change and/or change in direct supervision, the evaluations shall be completed each January.

**Transfer** - If an employee is transferred from one assignment to another in the middle of a six-month evaluation period and more than 90 days have transpired since the shift change, then an evaluation shall be completed by the immediate supervisor before the transfer is made. No additional evaluation will be required at the end of that six-month rating period.

**Special** - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (work plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

### 902.5.1 RATING DEFINITIONS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

**Outstanding** - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**Exceeds Standards** - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

**Meets Standards** - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

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### *Evaluation of Employees*

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**Needs Improvement** - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

**Unsatisfactory** - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

#### **902.6 EVALUATION INTERVIEW**

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. Permanent employees may also write comments in the employee comments section of the performance evaluation report.

#### **902.7 EVALUATION REVIEW**

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Lieutenant). The Lieutenant shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Lieutenant shall evaluate the supervisor on the quality of ratings given.

#### **902.8 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Personnel Department.

## Awards and Commendations

### 903.1 PURPOSE AND SCOPE

Awards and commendations are symbolic recognition for exemplary employee conduct based on demonstrated performance and knowledge. Methods used to recognize exceptional individual and/or collective performance include issuance of awards and commendations.

### 903.2 POLICY

The Department expects a very high level of professional conduct from all employees: however, members of the Department frequently perform their duties in a manner exceeding the highest standards of the Department. The official commendation of such performance and the arrangement of appropriate publicity are to be provided by the Department to give full public recognition to those who have brought honor to themselves and the Department.

### 903.3 COMMENDATIONS BOARD

A Commendations Board is established to review and approve certain recommendations for commendations for department members and/or other members of law enforcement who worked alongside SHPD and were directly involved in a specific incident which was recommended for commendation. These are the individual member or unit commendations for Valor/Valorous Conduct, Meritorious, Community, and Exemplary as well as individual member commendations for Purple Heart, Honor, Lifesaving, and Appreciation.

The Lieutenant is the permanent chairperson of the board and the remaining board members are selected by the chairperson to serve a two-year term on the board. The board will be comprised of the following department members, all of which are voting members: sergeant and three officers.

#### 903.3.1 DEPARTMENT COMMENDATIONS

The following SHPD Commendations are authorized for uniform wear and are listed in precedence order:



Medal of Valor



Medal of Honor



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## Awards and Commendations

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Unit Citation for Valorous Conduct



Purple Heart Award



Meritorious Service Award



Unit Meritorious Service Award



Life Saving Award



Exemplary Service Award



Unit Exemplary Service Award



Community Service Award



Unit Community Service Award



FBINA Graduation Ribbon

### 903.3.2 COMMENDATIONS CRITERIA

Medal of Valor - This commendation is awarded to a member for an EXTRAORDINARY act of heroism which extends FAR above and beyond the normal call of duty or service performed at GREAT RISK to personal safety in an effort TO SAVE HUMAN LIFE.

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The Medal of Valor award uniform ribbon:



\*- Older versions of this uniform ribbon have been used, but are no longer issued.

Medal of Honor - This commendation is awarded to a member for a **DISTINCTIVE** act which extends above and beyond the normal call of duty or service performed at a risk to personal safety or life in an effort **TO PROTECT PROPERTY OR SAVE HUMAN LIFE**.

The Medal of Honor award uniform ribbon:



The awards for the Medal of Valor and Medal of Honor will include the medal, a uniform award ribbon, and a certificate.

Unit Citation for Valorous Conduct - This commendation is awarded to members of a unit who, as a **TEAM**, perform extraordinary acts involving valorous conduct which extends **FAR** above the normal call of duty or service performed at **GREAT RISK** to personal safety or life in an effort **TO PROTECT PROPERTY OR SAVE HUMAN LIFE**.

The Unit Citation for Valorous Conduct award uniform ribbon:



(This award is given as a unit award when, by the duration and complexity of the action, it is not possible to accurately record individual valorous acts. The award, equivalent to the Medal of Honor, includes a unit certificate and a uniform award ribbon.)

Meritorious Service Award (Hazardous Situations) - This commendation is awarded to an individual member, or to a unit acting as a team, for a **HIGHLY UNUSUAL** accomplishment under **ADVERSE CONDITIONS** with some degree of **HAZARD TO LIFE** to the **MEMBER, UNIT, or OTHER PERSON**.

The Meritorious Service Award uniform ribbon:



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The Unit Meritorious Service Award uniform ribbon:



Community Service Award - This commendation is awarded to an individual member, or to a unit acting as a team, for rendering an EXTRAORDINARY and CONTINUING service to the COMMUNITY (on- or off-duty) and WITHOUT RISK to personal safety.

The Community Service Award uniform ribbon:



The Unit Community Service Award uniform ribbon:



Exemplary Service Award (Performance) - This commendation is awarded to an individual member, or to a unit acting as a team, for a SINGULAR accomplishment of substance, WITHOUT RISK to personal safety but under ADVERSE AND DIFFICULT conditions.

The Exemplary Service Award uniform ribbon:



The Unit Exemplary Service Award uniform ribbon:



The Meritorious Service Award, Community Service Award, and Exemplary Service Award will include a uniform award ribbon and an individual or unit certificates.

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Life Saving Award - This commendation is awarded to a member for an extraordinary act or effort that resulted in the actual saving of a human life or lives that would have expired without the member's direct involvement. Direct involvement may include providing more than routine first aid, steadfast medical intervention, life threatening immediate emergency situations that members were not trained or equipped to handle, or heroic physical intervention.

Evidence must be immediately clear and convincing that the act saved a life or supporting documentation must accompany the recommendation (i.e., bystanders' statements, medical or expert testimony, etc.) to be considered for the award. A member may receive only one Lifesaving Award per incident regardless of the number of victims.

The Life Saving Award uniform ribbon:



The Lifesaving Award will include a uniform award ribbon and a certificate.

Purple Heart Award - This commendation is awarded to a member, who during the ACTUAL PERFORMANCE of official department duties; sustains SUBSTANTIAL bodily injury, through HOSTILE ACTIONS of another.

The Purple Heart Award uniform ribbon:



The Purple Heart Award will include a medal, a uniform award ribbon, and a certificate.

Letter/Certificate of Commendation - This commendation is awarded to members who render a duty or service of commendable nature that does not meet the criteria for commendation of valor, honor, meritorious service, community service, exemplary service, or appreciation. This recommendation for commendation, is NOT reviewed by the Commendation Board, and has no specific format or restrictions on length. Commendable Actions are approved at the patrol level. See #4 Recommendations for Commendations - Members. (NOTE: Department letterhead paper is to be used for issuing Letters of Commendation.)

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## Awards and Commendations

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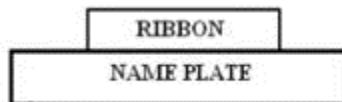
Letter/Certificate of Appreciation (Members) - This commendation is awarded to members for CONTINUOUS outstanding performance of duty.

Memorial Plaque – This commendation is presented to the next of kin of a member incurring death in the line of duty in addition to any other medals the fallen officer may be awarded, based on circumstances occurring at the time of death. The recommendation for this commendation is completed by the Lieutenant in the member's chain of command.

### 903.3.3 WEARING OF DEPARTMENT COMMENDATIONS-ORDER OF PRECEDENCE

A uniform ribbon (pictured to the right of the above awards) accompanies these commendations.

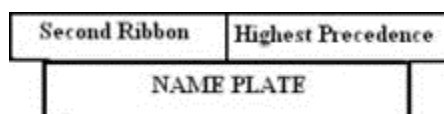
These ribbons should be worn above the nameplate on the Officer's right breast pocket of the uniform shirt. If one award ribbon is worn, it will be placed directly above the nameplate and centered. (See below for example.)



A maximum of three award ribbons may be worn on the uniform for normal duty.

In the event that two or three uniform ribbons are worn, they will be worn with a special metal backing, provided by the Supply Section.

If two award ribbons are worn, the award with the highest precedence will be worn in a position closest to the heart, and in descending precedence order thereafter. Ribbons are worn in order of precedence from the wearer's left to right. (See below for example.)



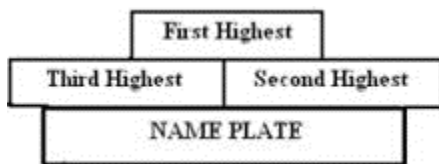
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If three award ribbons are worn, the preferred display is for the award ribbon with the highest precedence to be isolated on top of the second and third highest precedence award ribbons. The second and third highest precedence ribbons to be worn in precedence order with the second highest precedence ribbon taking the position that is closest to the wearer's heart. (See below for example.)



However, employee may also wear the three-ribbon metal holder to display awards.

On formal occasions, all ribbons may be worn stacked on top of each other (i.e., two ribbons across the pocket and two ribbons on top of that and so forth). Formal occasions include, but are not limited to: academy graduations, retirement celebrations, promotional ceremonies, and departmental funerals.

For all commendations, except for the Medal for Valor and the Medal for Honor, employees are authorized to affix to the ribbon one (1) gold star to indicate an additional award. Up to four (4) gold stars are authorized to be affixed to one ribbon. The lieutenant maintains a supply of gold stars for eligible employees.

### SERVICE/UNIT PINS

The pins are to be worn corner of the flap on the right-hand breast pocket of the uniform shirt. The following pins are authorized for wear:

1. Department service pin.
2. SHPD miniature badge (in civilian dress only).
3. Small US Flag.

### QUALIFICATION BADGES

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One of the following Qualification Badges, if earned, may be worn under the name plate on the right breast pocket flap:

1. Marksmanship.
2. Crisis Intervention Officer.

### 903.3.4 INDIVIDUAL LETTER OF RECOGNITION

The Department Letter of Recognition may be awarded to members who perform assigned duties in a manner which reflects credit to the member or the Department.

### **903.4 RECOMMENDATIONS FOR COMMENDATIONS-MEMBERS**

Department members may recommend other members or citizens for commendations. To maintain the integrity of the commendations program, a Commendations Board is established to evaluate nominations to commend acts that clearly fall within the intent of the recommended award, and were performed demonstrating the vision, values and mission of the department.

The Recommendation for Commendation must be completed in its entirety according to the following instructions:

The submitting member must clearly and thoroughly justify all the elements of the award being recommended. Submitting members can attach any documents, reports, photos, or any other information to the recommendation which will assist the board in making a decision.

There is no limit on wording or supporting documentation submitted on the recommendation.

The award certificate only has space for 205 words. As such, the submitting member must provide the Chairperson 205 words or less draft of the appropriate wording for the certificate.

The recommendation must be reviewed and signed by the recommended member's chain of command.

Recommendations should be submitted for a specific commendation within 120 days of discovery of the act. Any recommendation submitted past 120-days of the act must contain justification outlining the reasons for the delay, or why recommendation within 120-days could not be completed.

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In some cases, or based on the level of the award submitted, the submitting member may be asked to appear before the board to provide further information.

All recommendations for unit awards will require an appearance before the board.

Unit awards must contain justification for actions by all the members recommended for the specific award.

The shift sergeant and recommending member are required to appear at the Commendations Board for all recommendations for commendation for an award of Valor, Honor, and/or Meritorious Service. The shift sergeant and the recommending member will make a formal presentation outlining the reasons the recommended member should be granted the award.

Letters recommending commendations originating outside the department will be forwarded to the member's immediate supervisor who will then act as the recommending member.

Member making recommendation completes the Recommendation form, using the instructions above. Attaches supporting documentation as required. Forwards the Recommendation for Commendation with attachments through the recommended member's chain of command.

### Recommended Member's Chain of Command

Reviews recommendations for Valor, Honor, Meritorious Service, Community Service, Exemplary Service, Lifesaving, Purple Heart, and Appreciation, and attaches any additional supporting information. Recommends agreement or disagreement on the Recommendation form as appropriate and makes comments if desired. Forwards, within 30 days, to the shift sergeant.

### Sergeant

Recommends agreement or disagreement on the Recommendation form as appropriate and makes comments if desired.

If in agreement, initiates recommendations for the Memorial Plaque, when required, for members in the chain of command, and forwards to the chairperson of the Commendations Board.

### Chairperson, Commendations Board

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Notifies the original submitting member and bureau/area commander of the scheduled meeting when appearance is mandatory (for Valor, Honor, and/or Meritorious Service awards).

Calls board meetings to consider nominations on a quarterly basis, at a minimum.

Considers the merits of recommendations.

Approves or disapproves awarding specific commendations.

If disapproved, returns the recommendation through the chain of command to the recommending member.

If approved, notifies member submitting the nomination, the nominated member, and the nominated member's chain of command. Forwards copy of the award certificate to the Office of Human Resources for the nominated member's personnel file.

Provides the Chief with a report of the board's action taken on all submitted recommendations.

Forwards approved award certificates to the Chief for signature.

Forwards a signed copy of the award certificate to the Office of Human Resources to be filed in the nominated member's personnel file.

Orders award plaques as required.

Forwards appropriate medals to the Communications Officer.

### **903.5 CERTIFICATES OF APPRECIATION-CITIZENS**

This commendation is awarded to citizens for acts of bravery in aiding another citizen or member of the department, and to citizens for outstanding assistance or service to the department or community. Note: These commendations are not reviewed by the Commendations Board.

#### **Member Making Recommendation**

Completes Recommendation for Commendation form. The details section must be completed in the third person, and in 150 words or less, as it will appear on the certificate.

Attaches documentation as to the circumstances of the situation, event, action, or services of person being recommended. This may include Officer's Reports, arrest reports, witness statements, and other pertinent information.

Forwards the report with attachments through the chain of command to the Lieutenant.

Lieutenant

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## *Awards and Commendations*

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Reviews recommendation, and if approved, initiates the preparation of a Certificate of Appreciation and forwards to the Chief for signature.

Forwards the signed Certificate of Appreciation to recommending member, through the chain of command, for presentation to the citizen.

Forwards a copy of the award certificate by e-mail to the Communications Officer.

### **903.6 PRESENTATION OF AWARDS**

The following awards will be presented by the Chief, or designee. This presentation may be coordinated by the Communications Officer on a quarterly basis and may include the media:

Medal of Valor/Unit Citation for Valorous Conduct

Medal of Honor

Purple Heart Award

Meritorious Service/Unit Meritorious Service

Exemplary Service/ Unit Exemplary Service

Community Service/Unit Community Service

Lifesaving Award

Memorial Plaque

The following awards will be presented by the respective shift sergeant, or designee:

Certificates of Appreciation

Certificate of Commendation



## Special Assignments and Promotions

### 904.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the St. Helens Police Department.

### 904.2 POLICY

The St. Helens 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.

### 904.3 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

- (a) Special Weapons and Tactics Team member
- (b) Investigator
- (c) Motorcycle officer
- (d) Bicycle Patrol officer
- (e) Canine handler
- (f) Collision investigator
- (g) Field Training Officer
- (h) Community Relations/Training Officer
- (i) School Resource and/or Drug Abuse Resistance Education (D.A.R.E.) officer
- (j) Court Officer
- (k) Administrative Services officer

#### 904.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Three years of relevant experience
- (b) Off probation
- (c) Possession of or ability to obtain any certification required by the Department of Public Safety Standards and Training or law
- (d) Exceptional skills, experience, or abilities related to the special assignment

#### 904.3.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment

- (a) Presents a professional, neat appearance.

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## *Special Assignments and Promotions*

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- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expresses an interest in the assignment.
- (d) Demonstrates the following traits:
  - 1. Emotional stability and maturity.
  - 2. Stress tolerance.
  - 3. Sound ethical judgment and decision-making.
  - 4. Personal integrity and ethical conduct.
  - 5. Leadership skills.
  - 6. Initiative.
  - 7. Adaptability and flexibility.
  - 8. Ability to conform to department goals and objectives in a positive manner.

### 904.3.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

- (a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.
  - 1. The supervisor recommendations will be submitted to the Lieutenant for whom the candidate will work.
- (b) Lieutenant interview - The Lieutenant will schedule interviews with each candidate.
  - 1. Based on supervisor recommendations and those of the Lieutenant after the interview, the Lieutenant will submit his/her recommendations to the Chief of Police.
- (c) Assignment by the Chief of Police.

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.

### 904.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the City of St. Helens Personnel Department.

## Grievance Procedure

### 905.1 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.

#### 905.1.1 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 the Discriminatory Harassment Policy. 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.

#### 905.1.2 DUPLICATE PROCEDURES

The grievance procedures set forth in this policy shall not be used in addition to other grievance procedures as may be in effect through the governing jurisdiction or the eligible employee's collective bargaining agreement.

Under no circumstances shall more than one administrative process be used to redress the same grievance, although use of this or other procedures does not preclude employees from seeking legal remedies as appropriate.

### 905.2 PROCEDURE

If an employee believes that he or she has a grievance as defined above, then that employee shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Lieutenant of the affected section or division.
- (c) If a successful resolution is not found with the Lieutenant, the employee may request a meeting with the Chief of Police.

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## *Grievance Procedure*

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- (d) If the employee and the Chief of Police are unable to arrive at a mutual solution, then the employee shall proceed as follows:
  - 1. Submit in writing a written statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor and include the following information:
    - (a) The basis for the grievance (i.e., what are the facts of the case?)
    - (b) Allegation of the specific wrongful act and the harm done.
    - (c) The specific policies, rules or regulations believed to have been violated.
    - (d) What remedy or goal is sought by this grievance.
- (e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
- (f) The Chief of Police will receive the grievance in writing. The Chief of Police and the City Administrator will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the City Administrator is considered final.

### **905.3 EMPLOYEE REPRESENTATION**

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

### **905.4 GRIEVANCE RECORDS**

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Administrator's office to monitor the grievance process.

### **905.5 ANNUAL REPORT OF GRIEVANCES**

The Administration Lieutenant will create a report to the no later than January 15 of every year that lists the grievances filed within the calendar year. The report will include the basis of the grievances, the findings of the grievances, and an analysis to determine trends or patterns of issues that could be remedied through training, policy modification, or correction of personnel performance.

The report should not contain any identifying information from any individual grievance. The Lieutenant should promptly notify the if the report identifies any policy manual content that may warrant a critical revision.

# Reporting of Arrests, Convictions, and Court Orders

## 906.1 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 St. Helens 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.

## 906.2 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.

## 906.3 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.

## 906.4 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 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

# St. Helens Police Department

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## *Reporting of Arrests, Convictions, and Court Orders*

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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 his/her 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 his/her own time and at his/her 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).

### **906.5 PROCEDURE FOR RELIEF**

A peace officer may petition the court for permission to carry a firearm following a conviction under state law. However, federal law does not provide for any such similar judicial relief and the granting of a state court petition under Oregon Revised Statutes 166.274 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources (Oregon Revised Statutes 166.274).

An individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time (Oregon Revised Statutes 107.718).

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The St. Helens Police Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

### **906.6 DEPARTMENT OF PUBLIC STANDARDS AND TRAINING (DPSST) NOTIFICATION**

An officer or dispatcher 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; OAR 259-008-0011):

- (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

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## *Reporting of Arrests, Convictions, and Court Orders*

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### **906.7 POLICY**

The St. Helens 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.

## Drug- and Alcohol-Free Workplace

### 907.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

### 907.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

#### 907.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on City property, at work, or while on duty except in the performance of a special assignment as described in Policy Manual § 1012.2.

Department employees shall not illegally manufacture any alcohol or drugs while on duty, on City property or at any other time.

#### 907.2.2 USE OF PRESCRIBED MEDICATIONS

Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of their position, shall report the need for such medication to their immediate supervisor prior to commencing any on-duty status. No employee shall be permitted to work or drive a department-owned or leased vehicle while taking such potentially impairing medication without a written release from his/her physician.

Use of marijuana, including medical marijuana, on or off-duty, is prohibited and may lead to disciplinary action.

### 907.3 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. Such use shall not be tolerated (41 USC § 8103).

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 Sergeant or appropriate supervisor as soon as the member is aware that he/she 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, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

#### 907.3.1 USE OF MEDICATIONS

Members should avoid taking 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 his/her immediate supervisor prior to commencing any on-duty status.



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## *Drug- and Alcohol-Free Workplace*

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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 his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

### **907.4 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.

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).

### **907.5 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 Personnel 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.

#### **907.5.1 ADDITIONAL SCREENING TESTS FOR OFFICERS**

The Department may request an employee to submit to a screening test if the employee:

- (a) Is a law enforcement officer and, during the performance of his/her duties, discharges a firearm other than by accident.
- (b) During the performance of his/her duties, drives a motor vehicle in such a manner as to cause bodily injury to him/herself or another person or substantial damage to property.

#### **907.5.2 SCREENING TEST REFUSAL**

An employee is subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.

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## *Drug- and Alcohol-Free Workplace*

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- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing authority, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

### **907.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has 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 his/her 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 he/she is safely transported away from the Department.

### **907.7 REQUESTING SCREENING TESTS**

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 his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.
- (c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person or substantial damage to property.

#### **907.7.1 SUPERVISOR RESPONSIBILITY**

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.

#### **907.7.2 SCREENING TEST REFUSAL**

An employee may be subject to disciplinary action if he/she:

- (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 he/she took the controlled

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substance as directed, pursuant to a current and lawful prescription issued in his/her name.

- (c) Violates any provisions of this policy.

### **907.8 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).

### **907.9 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 separately from the employee's other personnel files.

## Sick Leave

### 908.1 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 personnel manual 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 leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) and the Oregon Family Leave Act, or leave related to protections because of domestic violence, harassment, sexual assault or stalking (29 USC § 2601 et seq.; ORS 659A.150 et seq.; ORS 659A.270 et seq.).

### 908.2 POLICY

It is the policy of the St. Helens Police Department to provide eligible employees with a sick leave benefit.

### 908.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (ORS 653.616; OAR 839-007-0020).

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).

#### 908.3.1 NOTIFICATION

All members should notify the Patrol Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work and 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).

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.

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### *Sick Leave*

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#### **908.4 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 family medical leave and consulting with legal counsel or the Personnel Director as appropriate.
- (c) Addressing absences and sick leave use 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.

#### **908.5 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, with cause, a health care provider's statement for an absence of three or fewer days (ORS 653.626; OAR 839-007-0045).

#### **908.6 REQUIRED NOTICES**

The Personnel Director shall ensure that each employee is provided written notice of the following (ORS 653.631; OAR 839-007-0050):

- (a) Accrued and unused sick time available at least quarterly.
- (b) The sick leave provisions of the Oregon sick leave law as provided in ORS 653.601 et seq.

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## Family Medical Leave

### 909.1 PURPOSE AND SCOPE

The City of St. Helens and its employees are covered by and subject to the rules and conditions governing family medical leave as set forth in the Family Medical Leave Act (FMLA) (Federal Law) and in the Oregon Family Leave Act (OFLA) (State Law). This policy and subsequent procedures will define eligibility and set forth procedures to follow to achieve conformance with those laws and with any applicable Collective Bargaining Agreement.

#### 909.1.1 POLICY

It is the policy of the City of St. Helens, and in accordance with federal and state law, to grant family medical leave to eligible employees. Eligible employees are entitled to up to twelve (12) weeks of unpaid leave of absence per leave year, except as noted below under "special circumstances." Federal and state laws protect an employee against loss of employment for utilizing leave rights. The law guarantees a maximum amount of time off which is either paid or unpaid depending upon available unused leave accruals. In addition, employees who are eligible for FMLA leave receive continued payment of the City's contribution toward health insurance for the period of the leave.

#### 909.1.2 ELIGIBILITY OF EMPLOYEES

Federal Law (Family Medical Leave Act) (FMLA)

Employee must have been employed by the City of St. Helens at least twelve (12) months (not necessarily consecutive months) and have been employed for at least 1250 hours during the twelve (12)-month period immediately preceding the leave.

State Law (Oregon Family Leave Act) (OFLA)

Employee must have been employed by the City of St. Helens for at least one hundred eighty (180) days immediately preceding the leave and have been employed for an average of at least twenty five (25) hours per week during the one hundred eighty (180) days immediately preceding the leave.

Employees taking leave to care for a newborn, adopted, or newly placed foster child only have to meet the one hundred eighty (180)-day employment requirement (regardless of the number of hours worked).

In determining either the twelve (12) months and/or the one hundred eighty (180) days, the City will count the number of days an employee has been on the payroll, including all paid and unpaid time. The 1250 hours and twenty-five (25) hours per week minimums are based on actual hours worked.

#### 909.1.3 SPECIAL CIRCUMSTANCES AFFECTING LEAVE

- (a) In addition to twelve (12) weeks of family medical leave, female employees may qualify under OFLA for up to an additional twelve (12) weeks of leave for an illness, injury or condition related to pregnancy or childbirth that disables the employee.

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- (b) In addition, employees of either sex are entitled to twelve (12) weeks of sick child leave.
- (c) If two (2) family members work for the City, they may take family leave (including parental leave) at the same time unless both work for the same Department. Under this circumstance, the employees may not take family medical leave at the same time unless:
  - 1. Approved by the Agency Head; or
  - 2. In situations where one (1) employee needs to care for the other employee with a serious health condition; or
  - 3. The employee is needed to care for a child with a serious health condition and the other employee is suffering from a serious health condition; or
  - 4. Both family members are suffering from a serious health condition; or
  - 5. Both family members are taking parental leave.

### 909.1.4 ELIGIBLE REASON FOR FAMILY MEDICAL LEAVE

#### Federal/State Laws

An employee may qualify for Family Medical Leave under federal and/or state law for the following reasons:

- (a) The addition of a child to a family through birth, adoption, or placement by foster care (parental leave).
- (b) The employee's own serious health condition which prevents the employee from performing his or her job. This includes pregnancy-related disability and absences from work due to prenatal care. See definitions under serious health condition.
- (c) The employee must care for a family member with a "serious health condition." A spouse, domestic partner, child (whether or not the employee is the custodial parent), parent, parent-in-law (including the parent of a same-sex domestic partner), or biological, adopted or foster or step child of an employee, or the child of an employee's same-sex domestic partner (or person with whom the employee has or had an in loco parentis relationship) is a family member for purposes of this rule.
- (d) To care for a minor child who is ill and requires home care (but does not have a serious health condition), provided another family member is not willing and able to care for the child. (Sick Child Leave)
- (e) Family leave to care for a parent-in-law, same-sex domestic partner, or parents or child of the employee's same-sex domestic partner with a serious health condition or a minor child who is ill and requires home care but does not have a serious health condition, is covered only by the state family medical leave law (OFLA).

For a definition of what constitutes a "serious health condition," see below in this policy.

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### 909.1.5 UNFORESEEN INJURY / ILLNESS - USE OF FAMILY MEDICAL LEAVE

If an employee has not actually requested Family Medical Leave but has been incapacitated due to illness or injury for more than three (3) consecutive calendar days, the City legally may inquire about the nature and duration of the leave in order to determine if an employee's leave qualifies under FMLA or OFLA leave provisions.

Examples of appropriate questions to ask to determine if absence qualifies under the leave acts include: "Is this a chronic condition or a condition related to pregnancy?" or "Have you obtained HCP treatment?"

The "three day rule" does not apply to intermittent absences that qualify an employee for family medical leave such as pregnancy disability, absences for prenatal care, absences for chronic conditions or absences for multiple treatments.

If it is determined that the reason for the unforeseen absence does qualify under FMLA or OFLA leave provisions, the City will notify the employee, in writing, within two (2) business days, that the current leave of absence will be counted against the annual OFLA / FMLA leave entitlement. The notification to the employee may be delivered orally however the oral notification will be followed-up by written notice, within two (2) business days of learning of the usage, using the form currently in use in the City of St. Helens. The completed form must be delivered to the employee, either in person or by mail. A copy of the form shall be retained in the employee's confidential medical file. If the employee is not notified within two (2) business days, his/her leave entitlement cannot begin with the oral notification and must instead start when the written notice form is issued to the employee.

### 909.1.6 PROCESS FOR TAKING FAMILY MEDICAL LEAVE

Employees who know in advance that they will take family medical leave must fill out a Family Medical Leave of Absence Application Form and provide it to their supervisor or responsible administrator in accordance with the notification requirement in this rule. The request must include enough information to make the supervisor or administrator aware that the employee needs or is seeking Family Medical Leave and a proposed schedule of leave dates.

Upon receipt of an employee's request for leave or information indicating the employee may be eligible for Family Leave, the supervisor or responsible administrator shall provide the employee with an FML Notice to Employee. The following information will be printed on this notice or filled in by the supervisor or responsible administrator:

- (a) Approval, provisional approval, or denial of requested leave and the reasons therefore
- (b) Applicable HCP certification requirements and the consequences for not providing complete and timely information as requested. (If the supervisor or responsible administrator knows that the employee or family member's HCP condition qualifies as a "serious health condition", as outlined in section 1.200-36 of this policy, HCP certification will not be required. If there is uncertainty, HC certification may be required.)



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- (c) The statement that the City will pay the out-of-pocket costs of the HC verification not covered by insurance or other benefit plan
- (d) Notification of requirements for use of accrued paid leave or unpaid leave
- (e) Notification that the City will continue to pay health care contributions if the leave has been designated as FMLA, for the twelve (12)-week [could be more] leave period. In this case, the employee shall be advised of the liability to reimburse the City for health plan premiums if the employee fails to return from leave provided that such reimbursement conforms to the provisions of the FMLA or OFLA
- (f) An explanation of the employee's return rights in accordance with provisions contained in the designated leave law and applicable Collective Bargaining Agreement
- (g) A statement as to whether the employee will be required to submit a "fitness for duty" certification from his/her Health Care Provider (HCP) as a condition of returning to work

The FML Notice to Employee will also explain that, if employee qualifies for leave under FMLA/OFLA, the absence will be counted toward the employee's Family Medical Leave entitlements under both FMLA and OFLA.

### 909.1.7 USE OF ACCUMULATED PAID LEAVES WHEN ON FMLA / OFLA

Eligible employees are not required to use accrued and accumulated paid leaves, including vacation, and sick leave while on FMLA/OFLA leave, prior to a period of unpaid leave of absence. Employees taking family medical leave for their own serious health condition, to care for an ill or injured family member or for parental leave may choose to use accrued paid leaves in any combination or order while on FMLA/OFLA leave, prior to going on unpaid leave. In the event the employee is entitled to use sick leave for the particular absence based on the terms of the Collective Bargaining Agreement or applicable law, an employee may choose to use sick leave benefits before vacation benefits are utilized or the employee may choose that their FMLA/OFLA leave will be unpaid or, at the discretion of the employee, compensatory time may be utilized.

Use of paid leave will run concurrently with family medical leave.

Use of Compensatory time off while on Family Medical Leave will not be counted against the employees twelve (12)-week leave entitlement.

### 909.1.8 NOTICE REQUIRED FOR USE OF FAMILY LEAVE

When practical, employees are required to give the City thirty (30) days' written notice of the need for leave when it is foreseeable (such as in the case of childbirth or non-emergency surgery). If the reason for the leave is unforeseen, and if practical, the employee must give the City oral notice immediately; or as soon after the leave begins as is practical; or as soon after the need for leave becomes known to the employee as possible; or within twenty-four (24) hours of when the leave starts. The employee must also provide written notice as soon as is practical but no later than three (3) days after his/her return to work. Requests for FMLA must be made to the immediate

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supervisor or responsible administrator. When practical, an employee must make a reasonable effort to schedule treatment for serious health conditions in a manner that does not unduly disrupt City business.

Nothing in this policy will relieve the employee from the requirements to notify the employer of any unforeseen absence in accordance with other policies and procedures.

### **909.1.9 MEDICAL CERTIFICATION REQUIREMENTS**

For requests for family medical leave due to the serious health condition of the employee or the employee's qualifying family member, a completed Health Care Certification Form from an HCP must be supplied by the employee as soon as possible but no later than fifteen (15) calendar days following a request for certification by the supervisor or administrator. In the event a complete HCP certification is not returned to the City within this fifteen (15) calendar days, the employee's leave could be denied and the period of the absence could be considered in determining whether the employee's attendance is satisfactory.

Employees who use sick child leave on more than twelve (12) separate (non-consecutive) occasions in a twelve (12)-month period may be required to provide HC certification for all subsequent uses of sick child leave in the same twelve(12)-month period. The certification may be an HCP note but it must include the name of the child, dates the child was sick, the opinion of the HCP that the child was sick and required home care, and the HCP's signature.

A supervisor may request a new Health Care certification under the following conditions:

- (a) The employee requests extension of family medical Leave; or
- (b) Circumstances described by the previous Health Care certification have changed significantly; or
- (c) The supervisor receives information that casts doubt on the employee's stated reason for the FML absence.

The out-of-pocket cost of any Health Care verification not covered by insurance or other benefits will be paid for by the City of St. Helens.

### **909.2 FAMILY MEDICAL LEAVE PART II - INTERMITTENT OR REDUCED SCHEDULE LEAVE**

Employees may take intermittent leave or work a reduced schedule when the leave/reduced schedule is taken for the employee's own serious health condition or to care for a family member with a serious health condition. (Example: An employee normally works forty (40) hours per week. The employee is on a reduced schedule of twenty (20) hours per week. The family medical leave may continue for up to thirty-six (36) weeks.) (Refer to Modified / Transitional Work Policy for those employees unable to perform essential job functions of job at time of illness / injury due to on-the-job illness or injury).

Parental leave must be taken within twelve (12) months of the birth, adoption or placement of the child. Parental leave must also be taken in no more than three (3) uninterrupted blocks of time,

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unless otherwise approved by the employee's supervisor. Parental leave taken for the purpose of arranging the adoption of a child will not be counted as one of the uninterrupted blocks of time.

An employee may be transferred to an alternate position (with the same pay) during the period of intermittent leave provided that the employee accepts the position voluntarily, that no other options are available and the transfer is consistent with all other policies of the City and all applicable Collective Bargaining Agreements.

### 909.2.1 CONTINUATION OF BENEFITS

If an employee is eligible and qualifies for Federal Family Medical Leave (FMLA), the City will maintain his or her group health insurance coverage as if the employee had been continuously employed up to a maximum of twenty-six (26) weeks per calendar year.

Any share of health plan premiums that an employee paid prior to leave must continue to be paid by the employee during the leave period. If the leave qualifies only for Oregon Family Medical Leave (OFLA) continued health care benefits will be paid for by the City for only twelve (12) weeks. Employees should check with the Finance Department to resolve any questions regarding the continuation of health care benefits.

If the employee's failure to make the premium payment leads to a lapse in coverage, the City must still restore the employee upon return to work to the health coverage equivalent to that which the employee would have had if leave had not been taken and the premium payments had not been missed without any waiting period or preexisting condition limitations. The Finance Department will notify an employee as to the status of their health benefits.

The City may recover premiums paid for an employee's insurance if the employee fails to return after the period of leave to which the employee is entitled has expired unless there is a continuation, recurrence or onset of a serious health condition.

### 909.2.2 APPLICABILITY OF "MOST GENEROUS" PROVISIONS

Provisions under FMLA control the benefits available to the employee unless OFLA, City Personnel Policies, or applicable Collective Bargaining Agreements provide more generous provisions for the employee. In that case, the City will grant the employee the more generous provision.

Where the leave is authorized under FMLA (federal law) and OFLA (state law), City Personnel Policies, and/or Collective Bargaining Agreement, the leave shall be designated as FMLA qualifying and shall simultaneously exhaust both the FMLA and OFLA, City Personnel Policy or Collective Bargaining Agreement leave entitlement (if any).

### 909.2.3 RETURN TO WORK FOLLOWING LEAVE

When an employee takes leave for his/her own serious health condition, the City may require an HCP's release in order for the employee to return to work. The employee shall be reinstated to the same position held when the leave began. Employees lose their reinstatement rights under FMLA/OFLA if they are not released to return to work within their twelve (12)-week [ MORE ? ]

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FMLA/OFLA period (or extension due to special circumstances, as described in section 1.200-08). However, an employee may be entitled to receive a longer leave under the Collective Bargaining Agreement or, if they qualify as a disabled person and are entitled to the longer leave as a function of the duty to reasonably accommodate.

An employee must return to work on the date specified and/or mutually agreed upon by the parties. Failure to return to work on the date designated, unless extended by mutual agreement, may be treated as an unauthorized absence.

### 909.2.4 RECORDS COMPLIANCE

The Department Administration shall maintain employee Health Care certification records in a confidential Health Care file detailing compliance with FMLA, OFLA and City Administrative Rules to include;

- (a) An employee's requests for family medical leave
- (b) Written record of notice
- (c) Dates leave is taken

### 909.2.5 LEAVE YEAR DEFINED

For purposes of determining an employee's FMLA and OFLA leave benefit, the twelve (12)-month leave period starts when an employee first starts using his/her family medical leave and "rolls forward" twelve (12) months from that date. After the first twelve (12)-month leave period, a new rolling forward year is

### 909.2.6 DESIGNATION OF LEAVE

It is the responsibility of the City to designate leave, whether paid or unpaid, as qualifying as FMLA/OFLA leave and to give written notice to the employee designating such leave as either FMLA or OFLA leave. Generally, such written designation must occur before the leave commences, except in the case of unforeseen leave, when the designation must occur within two (2) business days after notice from the employee of qualifying absence due to illness or injury.

### 909.2.7 DEFINITIONS

**SERIOUS HEALTH CONDITIONS:** A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- (a) Hospital Care: Inpatient care (i.e. stay in a hospital, hospice, or residential medical facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
- (b) Absence Plus Treatment: A period of incapacity of more than three (3) consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
  1. Treatment two (2) or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider of health

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care services (e.g., physical therapist) under order of, or on referral by, a health care provider, or

2. Treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
- (c) **Pregnancy:** Any period of incapacity due to pregnancy, or for prenatal care.
- (d) **Chronic Conditions Requiring Treatments:** A chronic condition which:
1. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
  2. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  3. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)
- (e) **Permanent/Long-term Conditions Requiring Supervision:** A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
- (f) **Multiple Treatments (non-Chronic Conditions):** Any period of absence to receive multiple treatments (including any period of recovery from such treatments) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of HCP intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).
- (g) **An illness, disease or condition that poses an imminent danger of death, is terminal in prognosis, or requires constant care (OFLA).**

**CONSTANT CARE:** Care wherever performed, whether at home or any nursing home, institution, hospice, or health care facility. Where the family member is receiving long-term physical care at a nursing home, institution, hospice or other health care facility, leave shall apply only to those periods of transitions, or when the family member requires transportation or other assistance in obtaining care from an HCP.

**DOMESTIC PARTNER:** A "domestic partner" is defined as:

- (a) Shares the same regular and permanent residence for twelve (12) consecutive months and on a continuing basis.

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- (b) Have a close personal relationship, and are each other's sole domestic partner.
- (c) Not married to anyone.
- (d) Each eighteen (18) years of age or older.
- (e) Not related by blood, closer than would bar marriage in the state of residence.
- (f) Mentally competent to consent to contract when domestic partnership began.
- (g) Responsible for each other's common welfare.
- (h) Jointly responsible for "basic living expenses". Basic living expenses mean the cost of basic food, shelter and any other expenses. The individuals need not contribute equally or jointly to the cost of these expenses, as long as they agree that both are responsible for the cost.

In order to qualify for domestic partner family medical leave benefits, an employee must submit a sworn affidavit verifying the existence of these conditions. Employees must also promptly notify their supervisor or the responsible administrator in writing, if a domestic partnership relationship ends. The commitment to provide this notice is also incorporated into the affidavit.

**ESSENTIAL FUNCTIONS/ ESSENTIAL JOB FUNCTIONS:** An employee is "unable to perform the functions of the position" where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position without a direct threat to his/her safety or the safety of another within the meaning of the Americans with Disabilities Act (ADA) 42 USC 12101 et seq., and the regulations at 29 CFR 1630.2(n).

### **EXTENDED PERIOD OF TIME :**

**FITNESS-FOR-DUTY CERTIFICATE /RELEASE:** A statement of an employee's ability to return to work certified by a health care provider.

**HOSPICE CARE:** Medically necessary and/or symptom controlling treatment administered to a patient who is terminally ill. Treatment must be rendered by a state licensed agency and/or HCP and may be on an inpatient or outpatient basis.

**INCAPACITY:** "Incapacity," for purposes of family medical leave, is defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.

**INTERMITTENT LEAVE:** Leave taken in separate periods of time due to a single illness/injury, rather than for one (1) continuous period of time, and may include leave of periods from an hour or more to several weeks. **EXAMPLE:** Leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six (6) months.

**LOCO PARENTIS:** Individuals with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

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**HCP INTERVENTION (TREATMENT):** Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

**PERIODIC VISITS:** Sporadic or episodic care associated with a single illness/injury

**RESTORATIVE SURGERY:** Surgical treatment that is curative in nature.

### 909.2.8 FAMILY MEDICAL LEAVE CHECKLISTS

Refer to the Appendices for family Medical Leave Checklists.

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# Communicable Diseases

## 910.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 910.1.1 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 St. Helens Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 910.2 POLICY

The St. Helens 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.

## 910.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an 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:
  1. Complying with the Oregon Safe Employment Act (ORS 654.001 et seq.).
  2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).



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3. 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 Division (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.

### 910.4 EXPOSURE PREVENTION AND MITIGATION

#### 910.4.1 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):

- (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.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

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### 910.4.2 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).

### 910.4.3 OCCUPATIONAL HEALTH SAFETY AND WELLNESS (O.S.H.W) EXPOSURE REPORTING FORMS

Refer to the appendices for the O.S.H.W. Exposure reporting Forms.

## **910.5 POST EXPOSURE**

### 910.5.1 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.

### 910.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; OAR 437-002-0360):

- (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).

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### 910.5.3 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 ECO 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 ECO.

### 910.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; OAR 437-002-0360).

### 910.5.5 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 ECO. If the ECO 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.
- (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 ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO 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 he/she refuses.

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### *Communicable Diseases*

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#### **910.6 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.

#### **910.7 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 his/her 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.

## Smoking and Tobacco Use

### 911.1 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 St. Helens 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.

### 911.2 POLICY

The St. Helens Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (ORS 433.845; ORS 433.850).

### 911.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the St. Helens Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

### 911.4 ADDITIONAL PROHIBITIONS

Visitors and the public shall not be allowed to smoke in any department facility (ORS 433.845).

#### 911.4.1 NOTICE

The Chief of Police or the authorized designee shall ensure that proper signage prohibiting smoking is posted at each entrance and exit to the department facilities (ORS 433.850; OAR 333-015-0040).

## Personnel Complaints

### 912.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the St. Helens 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.

### 912.2 POLICY

The St. Helens 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.

#### 912.2.1 FALSE COMPLAINT ADMONITION

Every person making a complaint in person shall be instructed to carefully read and sign the admonitions on the Personnel Complaint form addressing consequences of filing a false complaint.

If the person refuses to sign the admonition, the supervisor should indicate "refused to sign" and initial the appropriate signature block. A refusal to sign shall not, by itself, be considered grounds for rejecting a complaint, but may be taken into consideration when determining the manner in which the matter should be handled.

If the complaint is received by telephone, the receiving supervisor should read the admonitions to the complainant and sign the signature block with a notation of the date and time read. If the complainant later appears in person, a second form should be completed and signed by the individual.

### 912.3 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.

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#### 912.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the Patrol Sergeant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**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 the Internal Affairs Division, depending on the seriousness and complexity of the investigation.

**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 the Internal Affairs Division, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

#### 912.3.2 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.

#### 912.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

##### 912.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

##### 912.4.2 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

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obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

An officer that is the subject of a formal personnel complaint will be provided a copy of the written complaint within 30 days of the complaint being made to the department.

Informal complaints that are resolved to the satisfaction of the employee's supervisor will be discussed with the employee as soon as practicable or within 30 days of the complaint being made.

### **912.5 DOCUMENTATION**

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

#### **912.5.1 COMPLAINTS ALLEGING PROFILING**

Complaints related to profiling should be clearly marked to assist in reporting as required in the Bias-Based Policing Policy (ORS 131.920).

### **912.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

#### **912.6.1 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 complaint form is completed.
  1. The original complaint form will be directed to the Patrol Sergeant of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  2. 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



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at issue, a supervisor shall orally report the matter to the member's Lieutenant or the Chief of Police, who will initiate appropriate action.

- (b) Responding to all complainants 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 note the resolution on a complaint form and forward the form to the Patrol Sergeant.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Patrol Sergeant and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Personnel Department and the Patrol Sergeant for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Patrol Sergeant, 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:
  - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
  - 2. 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.

### 912.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs Division, the following applies to employees covered by the provisions of ORS 236.350 through ORS 236.360.

- (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, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the St. Helens Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.

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- (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 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.

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- (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.

#### 912.6.3 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.

**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.

#### 912.6.4 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.

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.

#### 912.6.5 COMPLETION OF INVESTIGATIONS

The Administration Supervisor shall ensure that investigations are completed and peace officers are provided notification of intended discipline no later than six months from the date of the first interview. The Chief of Police or Administration Supervisor may extend the investigation to a

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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 peace officer and the peace officer's chosen representative and union representative, if any (ORS 236.360(6)(a)).

The above time limits do not apply when (ORS 236.360(6)(b)):

- (a) The investigation involves a peace officer who is incapacitated or unavailable.
- (b) The investigation involves an allegation of workers' compensation or disability fraud by the peace officer.
- (c) The peace officer, 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 peace officer 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 peace officer is a named defendant or the peace officer'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.

### **912.6.6 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.

### **912.7 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.

### **912.8 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.

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- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (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.

### **912.9 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 St. Helens 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.

### **912.10 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 the report and include his/her 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.

#### **912.10.1 LIEUTENANT RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Lieutenant of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Lieutenant 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 Lieutenant may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Lieutenant 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.

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#### 912.10.2 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 Lieutenant 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 his/her 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.

#### 912.10.3 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 (ORS 181A.830).

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).

#### 912.10.4 NOTICE REQUIREMENTS

If an investigation of an officer of this department results from a complaint, the Department may disclose to the complainant the disposition of the complaint and if necessary provide a written summary of the information obtained in the investigation (ORS 181A.830).

#### **912.11 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 the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

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- (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.

### **912.12 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.

### **912.13 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.

### **912.14 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.

### **912.15 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 Files Policy.

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#### **912.16 ANNUAL REVIEW OF COMPLAINTS**

The Lieutenant will create a report to the no later than January 15 of every year that lists the personnell complaints filed within the last calendar year. The report will include the basis of the complaint, the findings of the investigation, and an analysis to determine trends or patterns of issues that could be remedied through training, policy modification, or correction of personnel performance.

The report should not contain any identifying information from any individual complaint. The Lieutenant should promptly notify the Chief of Police if the report identifies any policy manual content that may warrant a critical revision.

#### **912.17 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING COMPLAINTS**

Complaints received from the Department of Public Safety Standards and Training (DPSST) that involve officer or dispatcher 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).



## Safety Belts

### 913.1 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.

#### 913.1.1 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.

### 913.2 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).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a safety belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

### 913.3 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)).

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

### 913.4 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.

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#### **913.5 POLICY**

It is the policy of the St. Helens Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

#### **913.6 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.

#### **913.7 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.

#### **913.8 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.

## Body Armor

### 914.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 914.2 POLICY

It is the policy of the St. Helens 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.

### 914.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the St. Helens Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor 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.

#### 914.3.1 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 he/she is involved in undercover or plainclothes work that his/her 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) The body armor may be worn in an External Armor Carrier. The External Armor Carrier shall be manufactured by Safariland and be the "Oregon City" model in dark Navy Blue color. Any other External Armor Carrier currently worn by department members will be approved for use until they are no longer serviceable.

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## St Helens Police Department Policy Manual

### *Body Armor*

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#### 914.3.2 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. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

#### 914.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never 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 automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft 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 soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft 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.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

## Personnel Records

### 915.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

### 915.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Oregon (ORS 181A.830; ORS 192.355; ORS 652.750).

### 915.3 DEPARTMENT FILE

The department file shall be maintained as a 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 permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
  - 1. Investigations resulting in disciplinary action or exoneration shall be retained for three years (cities) after resolution and in accordance with the department established records retention schedule (OAR 166-200-0305; OAR 166-150-0160).
  - 2. Investigations resulting in termination shall be retained for 10 years after the member separation and in accordance with the department established records retention schedule (OAR 166-200-0305; OAR 166-150-0160).
  - 3. Unfounded investigation records shall be retained for three years and in accordance with the department established records retention schedule (OAR 166-150-0160).
  - 4. Letters or reprimand and notices of disciplinary action shall be retained for three years and in accordance with the established records retention schedule (OAR 166-150-0160).
- (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.

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## *Personnel Records*

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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 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 established records retention schedule (OAR 166-200-0305; OAR 166-150-0160).

### **915.4 CONFIDENTIALITY OF ALL PERSONNEL FILES**

Certain information contained in personnel records is confidential and shall not be subject to disclosure except as provided by Policy Manual § 810, the provisions of the Oregon Public Records Law, or pursuant to lawful process (Oregon Revised Statutes 181.854).

### **915.5 TRAINING FILE**

An individual training file shall be maintained by the Lieutenant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; education; and firearms qualifications, including mandated annual qualification. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) It shall be the responsibility of the involved member to provide the Lieutenant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Lieutenant or supervisor shall ensure that copies of such training records are placed in the member's training file.

### **915.6 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the office of the Chief of Police. Access to these files may only be approved by the Chief of Police.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in a finding of not sustained, unfounded or exonerated shall not be placed in the member's department file but will be maintained in the internal affairs file.

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## *Personnel Records*

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These files shall be retained as follows:

- (a) Investigations resulting in disciplinary action or exoneration shall be retained for three years (cities) or two years (counties) after resolution and in accordance with the Department established records retention schedule (OAR 166-200-0350; OAR 166-150-0135).
- (b) Investigations resulting in termination shall be retained for 10 years after the member separation and in accordance with the Department established records retention schedule (OAR 166-200-0350; OAR 166-150-0135).
- (c) Unfounded investigation records and all related files not resulting in disciplinary action shall be retained for three years (cities) or one year (counties) and in accordance with the Department established records retention schedule (OAR 166-200-0350; OAR 166-150-0135).

### **915.7 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; OAR 166-150-0160):
  - 1. Positive drug tests records shall be retained for a minimum of five years and in accordance with the Department established records retention schedule.
  - 2. Negative drug tests records shall be retained for a minimum of one year and in accordance with the Department 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 established records retention schedule (OAR 166-200-0315; OAR 166-150-0160).

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)).

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### *Personnel Records*

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#### **915.8 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure as provided in this policy, according to applicable discovery procedures, state law or with the member's written consent.

Nothing in this policy is intended to preclude review of personnel records by the City Administrator, City Attorney or other attorneys or representatives of the City in connection with official business.

##### **915.8.1 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (ORS 181A.830).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

##### **915.8.2 RELEASE OF PERSONNEL INFORMATION**

Except as provided by the Records Maintenance and Release Policy or pursuant to lawful process, no information about a personnel investigation of an officer that does not result in discipline contained in any personnel file shall be disclosed to any unauthorized member or other persons unless (ORS 181A.830(4)):

- (a) The officer consents to disclosure in writing.
- (b) The public interest requires disclosure of the information.
- (c) Disclosure is necessary for an investigation by the public body, the Department of Public Safety Standards and Training, or a citizen review body designated by the public body.
- (d) The public body determines that nondisclosure of the information would adversely affect the confidence of the public in the Department.

Audio or video records of internal investigation interviews of an officer are confidential and shall not be released (ORS 192.385).

Photographs of an officer shall not be disclosed without the written consent of the officer (ORS 181A.830).



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## *Personnel Records*

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### **915.9 MEMBER ACCESS TO THEIR PERSONNEL RECORDS**

A member or former member may request to review his/her personnel file. The request should be made to the Lieutenant or Chief of Police. The Lieutenant or Chief of Police should ensure that 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 an officer believes that any portion of the material is mistakenly or unlawfully placed in the officer personnel record, the officer may submit a written request to the Chief of Police that the 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 Chief of Police must respond within 30 days from the date the request is received. If the Chief of Police chooses not to make any changes, the Chief of Police shall ensure that a written response to the request is made. The Chief of Police shall ensure that the request and response is placed in the officer'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.
- (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.

### **915.10 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

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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.

## Request for Change of Assignment

### **916.1 PURPOSE AND SCOPE**

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

### **916.2 REQUEST FOR CHANGE OF ASSIGNMENT**

Personnel wishing a change of assignment are to complete a Request for Change of Assignment memo. The memo should then be forwarded through the chain of command to the Lieutenant.

## Fitness for Duty

### 917.1 PURPOSE AND SCOPE

The safety and well-being of employees and the citizens we serve, requires that all officers be free from any physical, emotional or mental condition which might adversely affect the exercise of assigned duties, including peace officer powers. The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their established job functions.

### 917.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the duties of their job function.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.
- (e) A certificate from a doctor or health care professional verifying that the employee is able to perform his/her essential duties in a manner that does not threaten his/her safety or the safety of others may be required, whenever the City has a good faith concern regarding an employee's ability to do so. The City also reserves the right to require employees to submit verification of the precise nature of any limitations of an employee's ability to safely perform his/her job duties, as a condition of returning the employee to work, whenever there are good faith concerns regarding an employee's limitations, consistent with applicable law.
- (f) All medical expenses incurred by the employee in complying with verification requests that are not covered by insurance will be reimbursed by the City.

### 917.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to perform his/her duties shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.

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### *Fitness for Duty*

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- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Patrol Sergeant or employee's available Lieutenant, a determination should be made whether or not the employee should be temporarily relieved from their duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

#### **917.4 NON-WORK RELATED CONDITIONS**

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

#### **917.5 WORK RELATED CONDITIONS**

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Patrol Sergeant or unit supervisor and concurrence of a Lieutenant, any employee whose actions or use of force in an official capacity result in death or serious injury may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave pending:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate,
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

#### **917.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Personnel Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties.
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

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## *Fitness for Duty*

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- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

### **917.7 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

### **917.8 MENTAL HEALTH WELLNESS PROGRAM**

The Chief of Police or the authorized designee is responsible for establishing a mental health wellness program to address issues related to mental health wellness for officers employed by the Department (2019 Oregon Laws, c.177).

## Meal Periods and Breaks

### 918.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible, shall conform to the policy governing all employees that has been established by the City Administration.

#### 918.1.1 MEAL PERIODS

All sworn employees shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Sworn officers shall use their best judgment in determining the advisability of taking a meal break, based on call load and staffing levels and, when in doubt, should request clearance from a supervisor prior to taking a meal period. Sworn officers should take their breaks within the City limits unless on assignment outside of the City or with permission of a supervisor.

The time spent for the meal period shall not exceed the authorized time allowed.

#### 918.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. .

Field will take their breaks, subject to call, and shall monitor their radios.

## Lactation Break Policy

### 919.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child.

### 919.2 POLICY

It is the policy of this department to provide reasonable break time and appropriate facilities to accommodate any member 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).

### 919.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207; OAR 839-020-0051). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member'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.

Members desiring to take a lactation break shall notify C-Com 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.

### 919.4 PRIVATE LOCATION

The Department will make reasonable efforts to provide lactating members 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 member'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 coworkers and the public (29 USC § 207).

Members 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 members should avoid interrupting a lactating member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.



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## *Lactation Break Policy*

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### **919.5 STORAGE OF EXPRESSED MILK**

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

## Payroll Records

### 920.1 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.

### 920.2 POLICY

The St. Helens Police Department maintains timely and accurate payroll records.

### 920.3 RESPONSIBILITIES

Members are responsible for the accurate and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

### 920.4 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 to Administration as established by the City payroll procedures.

### 920.5 RECORDS

The Administration Lieutenant 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).

## Overtime Compensation Requests

### 921.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Collective Bargaining Agreement (CBA), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

#### 921.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time for the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 120 hours of compensatory time.

### 921.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Section. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

#### 921.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests for overtime immediately after working the overtime.

#### 921.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

### 921.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Collective Bargaining Agreement provides that a minimum number of hours will be paid, (e.g., Court, callback). The supervisor will enter the actual time to be paid.

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## *Overtime Compensation Requests*

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### 921.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1.0 hour

# Outside Employment

## 922.1 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.

### 922.1.1 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.

## 922.2 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 Application memo which shall be submitted to the employee's immediate supervisor. The application memo will then be forwarded through channels to the for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid for a period of one year after the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application memo in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

### 922.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the within ten days of the date of denial.

### 922.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

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- (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 his or her 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 his/her 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.
- (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.

### **922.3 PROHIBITED OUTSIDE EMPLOYMENT**

The Department expressly reserves the right to deny any Outside Employment Application 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
  - 1. The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity as follows:
  - 2. At any employment or business which will in any way reduce their effectiveness as a member of the St. Helens Police Department.

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3. At any occupation that would tend to degrade the dignity of the Police service in any manner. (c) At any employment which has any connection with the towing of vehicles. (d) In any employment which involves the mixing, selling or serving of any alcoholic beverages.
4. In or about an establishment where alcoholic beverages are consumed unless specifically approved by the Chief.
5. As a taxicab driver.
6. At employment for motorcycle escort.
7. In police uniform (including non-striped trousers) at the performance of tasks other than those of a police nature.
8. As a process server or bill collector or in any employment in which police power is used for private purposes of a civil nature.
9. In any employment which results in other qualified persons being deprived of rightful employment and which results in a justified complaint. The Chief will be the sole judge in these cases.
10. Any employment which assists in any manner the case preparation for the defense in any criminal action or civil proceedings.
11. At any employment actively performing patrol functions for any merchant patrol, special police or similar agency.
12. At any extra employment, which when added to the officer's regular police assignment, totals more than sixty (60) hours per week.

### **922.3.1 SPECIAL RESTRICTIONS**

Except for emergency situations or with prior authorization from the Lieutenant, 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.

### **922.4 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.

#### **922.4.1 REVIEW OF FINANCIAL RECORDS**

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest.

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## *Outside Employment*

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### **922.5 MATERIAL CHANGES TO OUTSIDE EMPLOYMENT**

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued 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.

### **922.6 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 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 his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are 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 St. Helens Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.



# Occupational Disease and Work-Related Injury Reporting

## 923.1 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.

### 923.1.1 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 St. Helens Police Department (ORS 656.005(7); ORS 656.802).

## 923.2 POLICY

The St. Helens 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.).

## 923.3 RESPONSIBILITIES

### 923.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate. The member may choose a medical service provider, attending physician or authorized nurse practitioner for medical care (OAR 436-060-0010).

### 923.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate. The supervisor shall provide every injured member with a Report of Job Injury or Illness form (Form 801) immediately upon the request of the member or his/her attorney, or upon receiving notice or knowledge of an accident that may involve a compensable injury (ORS 656.265; OAR 436-060-0010).

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

### 923.3.3 LIEUTENANT RESPONSIBILITIES

The Lieutenant 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 management entity and the

# St. Helens Police Department

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## *Occupational Disease and Work-Related Injury Reporting*

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Lieutenant 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 city'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).

### **923.3.4 CHIEF OF POLICE RESPONSIBILITIES**

The Chief of Police shall review and forward copies of the report to the Personnel Department. Copies of the report and related documents retained by the department shall be filed in the member's confidential medical file.

### **923.4 OTHER DISEASE OR INJURY**

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Lieutenant through the chain of command and a copy sent to the Administration Lieutenant.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

### **923.5 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, his/her 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 his/her supervisor as soon as possible.

#### **923.5.1 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.

# Temporary Modified Duty for Employees Following Injury

## 924.1 PURPOSE AND SCOPE

It is the policy of the City of St. Helens and the St. Helens Police Department (hereinafter City) that a permanent or probationary employee who has suffered an on-the-job injury (including on-the-job illness) will be treated with dignity and respect. It is also the policy that such employees will be assigned to a temporary, modified and transitional work assignment (TWA) if it is deemed practical, by the Chief of Police or his/her designee and is consistent with the procedures and limitations set forth in this Policy. Such TWAs will be limited to a period of 180 consecutive calendar days from the date that the employee returns to work in a TWA, unless extended in writing by the Chief of Police or his/her designee. Such extensions shall be at the sole discretion of the City.

Only those employees who have been declared not medically stationary by the employee's Health Care Provider (HCP) shall be eligible for a TWA under this Policy. With regard to injured employees who are medically stationary, the City shall comply with all applicable laws regarding reinstatement and reemployment of injured workers under ORS chapter 659A.

### 924.1.1 DEFINITIONS

- **Medically Stationary:** No further material improvement would reasonably be expected from HCP treatment or the passage of time.
- **Reasonable Accommodation:** In some cases, the City may be able to, or be required by law, to provide reasonable accommodation to an injured employee, including restructuring the position held by the employee at the time of injury to accommodate restrictions imposed by a HCP. This determination will be made on a case-by-case basis in consultation with City Administration, the employee's HCP, any legal representative of the employee and any legal representative of the City, as necessary. Restructuring the position does not include creating a new job position or eliminating the essential functions of an existing position.

### 924.1.2 PROCEDURE

An employee who is unable to perform his/her job position due to an on-the-job injury (including on-the-job illness) will be provided with a TWA whenever it is deemed practical, by the Chief of Police or his/her designee and the employee's treating Health Care Provider (HCP), that the injured employee can perform the TWA and would benefit from performing the TWA. Any TWA shall be consistent with the injured employee's HCP restrictions, safety considerations and the business needs of the City. If the City determines that no appropriate TWA is available, the City shall make reasonable efforts to reevaluate that determination as new information regarding the employee's restrictions or other TWA opportunities become available. The injured employee shall be required to contact the Department Lieutenant every other week to determine whether a TWA is currently available.

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## *Temporary Modified Duty for Employees Following Injury*

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The duration of the TWA will be limited to 180 consecutive calendar days from the date that the employee returns to work in a TWA unless extended in writing by the Chief of Police or his/her designee. Such extensions shall be at the sole discretion of the City.

The City may assign an injured employee to perform any TWA that is consistent with the employee's HCP imposed work restrictions. Such determinations shall include, but not be limited to, appropriate work hours, shifts, duration and location, subject to approval by the employee's treating HCP. The choice of suitable assignment will be made by the Chief of Police or his/her designee, in consultation with the employee's HCP, on a case-by-case basis and will not be impacted by any TWA previously or currently provided to any other employee.

The employee's rate of pay during the TWA will remain the same as the rate the employee was receiving at the time of the injury, regardless of job assignment, unless otherwise required by any Collective Bargaining Agreement in effect at that time.

The City may require any employee assigned to a TWA to update their HCP restrictions imposed by his/her HCP on a bi-weekly basis.

Prior to returning to work, the injured employee must provide a written release from the employee's HCP indicating the date the employee is released and listing any applicable HCP restrictions. In the event the City has good faith questions or concerns regarding the nature of the release or restrictions imposed, the City may obtain verification, as necessary to address its concerns, prior to returning the employee to work.

Nothing in this policy shall require the employer to assign a TWA to any injured employee and the TWA may be discontinued at any time. Nor shall anything in the policy be construed to require the City to create a job position or to eliminate the essential functions of any job position.

A TWA employee will schedule any HCP appointments related to his/her work injury outside of working hours, if possible. If HCP appointments must be scheduled during the hours an employee is assigned to perform TWA work, the TWA employee will provide the City with as much advance notice as possible. Provided these requirements are followed, such HCP appointments shall be considered part of the employee's workday.

### 924.1.3 LIMITATIONS ON MODIFIED / TRANSITIONAL WORK ASSIGNMENTS

- (a) An employee will not be eligible for a TWA under this policy if:
1. The employee's injury is not an on-the-job injury (including an injury that has been denied and is pending appeal), except as set forth in Sub-paragraph E, below;
  2. The employee has been declared medically stationary;
  3. The employee would not otherwise be employed by the City if the injury had not occurred; or

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## *Temporary Modified Duty for Employees Following Injury*

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4. The employee fails to file a claim, complete all necessary paperwork and/or fully cooperate with the Workmen's Compensation provider for the City of St. Helens
- (b) An employee assigned to a TWA under this Policy will not be permitted to perform any work beyond the scope of the HCP release provided by the employee's treating HCP.
- (c) Employees assigned to a TWA who believe they cannot perform the duties assigned will be asked to return to their treating HCP for clarification of HCP restrictions. The City will consider whether adjustments should be made to enable the employee to complete the assigned tasks.
- (d) This policy is not intended to substitute for any legal obligations of the City under any applicable state or federal law, including the Americans with Disabilities Act or the Rehabilitation Act of 1973.
- (e) If an employee has an injury which is not an on-the-job-injury, the employee may apply in writing to the Chief for a TWA. Whether the Chief offers a TWA to an employee who has a non job-related injury, will be at the sole discretion of the Chief.

## Personal Appearance Standards

### 925.1 PURPOSE AND SCOPE

While on-duty and/or representing the department, uniformed or otherwise, all members of the department will be neat and clean in their appearance in public. Makeup (including nail polish) and hairstyles will be reasonable, conservative and appropriate to the business environment (not extreme or bizarre). Hair color will be common, natural colors with no unnatural streaking colors. Wigs and hairpieces will not be used to circumvent the hair standards established in this policy.

### 925.2 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.

#### 925.2.1 HAIR

Hair will be clean, neat and styled to present a well groomed appearance consistent with the type of assignment and the duty to be performed. The hair length and/or bulk will not be excessive or present a ragged, unkempt or extreme appearance. The hair of male members (as applicable) will not be cut, styled or combed so that it falls over the ears, eyebrows or touches the top edge of the shirt collar. Male uniformed member's hair will be cut or styled so that the uniform hat can fit snugly on the head and the hair will not bush out or protrude at the lower edge of the cap frame. Female uniformed member's hair will be styled so that it cannot be readily grabbed by an assailant and does not fall over the eyebrows.

#### 925.2.2 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.

- (a) Will be neatly trimmed and will not exceed 1/2" in depth;
- (b) No portion will extend horizontally beyond the edge of the mouth more than 1/2";
- (c) No portion will vertically fall below the horizontal center line of the mouth when the mouth and lips are closed;
- (d) Will be trimmed so the growth does not hang down over the top of the lip;
- (e) Not be curled or waxed.

#### 925.2.3 FACIAL HAIR

All facial hair styles will be reasonable, conservative and appropriate to the business environment. Facial hair of any kind that presents any sort of faddish or unique appearance is prohibited. Dyed, tinted or bleached facial hair must be within naturally occurring color range and professional in appearance. Facial hair must be generally uniform in length and appearance.

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## *Personal Appearance Standards*

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The Chief of Police will make the final, non-appealable, ruling on whether a member's facial hair meets acceptable standards.

### BEARDS

Neatly trimmed beards may be worn, but must be kept to no more than one-half inch in length. Beards will be of a traditional "Short Boxed Beard" style. The skin area around the beard must be clean shaven to establish a well-manicured cheek-line and neck-line. The neck must remain clean shaven. "Soul patches" and "mutton chops" or a "horse shoe mustache" will not be allowed.

### GOATEES

Goatees must include a mustache and the mustache must extend below the corners of the mouth to meet with the goatee. Facial hair must be neatly trimmed and not exceed one-half inch in length. The mustache will be trimmed so the growth does not hang down over the top of the lip. Extreme styles or shaping the goatee to a particular style is prohibited.

When working a special assignment or detail, personnel may wear facial hair that is appropriate for the assignment they are working. Facial hair styles that deviate from this policy must be approved by the Chief of Police or his/her designee.

Personnel working under this type of special assignment should not wear the police uniform when appearing in public. They will wear professional business attire when appearing in court or attending special functions or ceremonies.

### 925.2.4 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

### 925.2.5 JEWELRY AND ACCESSORIES

Neck and hand jewelry may be worn in a tasteful and business-like manner. Females may wear one earring in each earlobe. Only one ring may be worn on each hand of the employee while on-duty. Female commissioned members in uniform may wear one (1) earring in each earlobe. They will be matching stud type with the stone or ornamentation not exceeding one-quarter inch in diameter. Male members may not wear earrings; however, other neck and hand jewelry may be worn in a tasteful and business-like manner. Members are prohibited from attaching, affixing, or displaying objects, articles or jewelry on or through the nose, tongue, eyebrow or other exposed body part (except the ears for females) while on duty. Members are prohibited from stretching their earlobes, a process called "gauging." All jewelry implants will not be exposed or visible while on-duty.

### 925.3 TATTOOS

Tattoos - Tattoos or branding will not be exposed or visible while on-duty and/or representing the department. Such markings which are visible must be covered by a department authorized uniform shirt. Tattoos or branding on a members hand, except as noted below, must be covered

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## *Personal Appearance Standards*

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up using makeup or bandages. For employees hired on or after March 1, 2019, using makeup or bandages to conceal any tattoos or brands is an unacceptable option.

All members are prohibited from getting tattoos or any other type of markings on their head, neck, hands, or face, except as noted below.

1. Hands - A tattoo or brand in the form of a ring is permissible on the wearer's finger, not thumb, with the limitation of one per hand. The tattoo(s) will not exceed 1/4" width; will be in good taste and in compliance with the content restrictions of this policy. The intent of this section is not to deviate from the jewelry section of this policy.
2. Neck - The SHPD uniform serves as the reference point for the back and sides of the neck (i.e., no tattoo or brand may be visible above the collar on the neck). In the case of a tattoo or a brand bearing near the collar bone, a final evaluation must be made to ensure that no tattoo or brand is visible when wearing a V-necked undershirt with the uniform.
3. Head/Face - Permanent eye liner make up in the form of cosmetic tattooing is authorized for female members. If worn, permanent eye liner will be conservative, in good taste, and complimentary to the wearer's complexion and the tattoo(s) shall not be brightly colored, will be no more than 1/8" width, and must not extend past the outer corner of the eye.

Tattoos or brands anywhere on the body that promote racism/discrimination, indecency, extremist or supremacist philosophies, lawlessness, violence, or contain sexually explicit material are prohibited. Such tattoos or brands may render the member ineffective in his position and/or tend to bring the department into public discredit. Such tattoos or brands include:

- Racist or discriminatory material that advocate the degradation of people based on race, ethnicity, national origin or gender.
- Extremist tattoos or brands that depict or promote extremist activities or organizations that advocate hatred, intolerance, or lawlessness (i.e., terrorist groups, neo-Nazis, skinheads, outlaw groups, extreme political organizations with violent histories). Because some extremist/criminal groups and organizations exploit popular symbols (i.e., cartoon characters), care must be taken in evaluating such tattoos or brands so as not to implicate members who may have selected the tattoo or brand based on its artistic value rather than a hidden meaning. In these cases, a determination may be made based upon the totality of the thematic elements expressed by tattoos or brands elsewhere on the subject's body.

When a tattoo or brand which may violate department policy, though would normally be concealed by clothing, is brought to the attention of the department (i.e., during the process of dressing for duty in a locker room, etc.), SHPD is obligated to investigate and act appropriately.

### **925.4 BODY PIERCING OR ALTERATION**

Body piercing or alteration (other than tattoos) to any area of the body visible in any authorized uniform or attire that is a deviation from those anatomical features that would traditionally



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## *Personal Appearance Standards*

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be considered "normal" and which is not medically required is prohibited except with prior authorization of the Chief of Police. 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 and tattoo.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

## Uniform Regulations

### 926.1 PURPOSE AND SCOPE

The uniform policy of the St. Helens 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 Policy Manual sections:

Section 700 - Department Owned and Personal Property

Section 1024 - Body Armor

Section 1044 - Grooming Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The St. Helens Police Department will provide a uniform allowance for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

### 926.2 WEARING AND CONDITION OF 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 serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally 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) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform daily inspections of their personnel at the beginning of each shift to ensure conformance to these regulations.
- (f) 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 he/she is off duty.
- (g) 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.
- (h) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

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## *Uniform Regulations*

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- (i) Sunglasses may be worn during the daylight hours only, and must be of a color and style that compliments a proper uniform appearance. The following are acceptable:
  - Non-mirror lenses - Iridium lenses are acceptable (lens colors must be conservative in nature and compliment a proper uniform appearance).
  - Frames and lenses must be free of ornamentation.
  - Frames (metal or plastic) will be silver, gold, black or brown
  - Neck straps may be worn for officer safety (but must be thin material, black or blue in color).
- (j) Visible jewelry, other than those items listed below, shall not be worn with the uniform-unless specifically authorized by the Chief of Police or his designee.
  1. Watches/watchbands may be worn in sizes and shapes that do not impair job performance. Styles and colors must be conservative in nature and compliment a proper uniform appearance.
  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

### 926.2.1 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 supervisor.

### 926.3 UNIFORM CLASSES

#### 926.3.1 CLASS A UNIFORM

The Class A Dress Uniform for uniform patrol officers is the Primary Uniform and shall consist of a standard long-sleeve uniform shirt, black or dark Navy uniform tie, dress jacket (optional), trousers, black uniform shoes, and black or dark navy blue socks. Optional items, as designated by the relief commander, are gun belt and accessories.

The Class A Dress Uniform for command staff (sergeants and above) shall consist of a white long-sleeve uniform shirt with shoulder boards displaying the correct rank on the epaulets (chevrons for sergeants), black or dark Navy uniform tie, dress jacket with appropriate rank insignia on epaulets and/or on jacket sleeves, primary uniform pant, black uniform shoes and black or navy blue socks. Sidearm is optional.

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## *Uniform Regulations*

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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 sworn personnel.

No Class A uniform is required for Code Enforcement personnel.

### 926.3.2 CLASS B UNIFORM

The Class "B" Uniform, except as noted below, shall be the Primary Uniform described above and shall be the same for Patrol Officers and Command Staff.

The Class "B" Uniform consists of a summer uniform and a winter uniform. The shift commander may determine which uniform based on special duty assignments. The shift commander may also allow uniform staff members to select from the summer or winter uniforms to allow for changing weather conditions or personal comfort.

The summer uniform of the day will consist of a short sleeve uniform shirt with an open neck and a dark navy blue or black T-Shirt and trousers.

The winter uniform of the day will consist of one of the three listed options.

- Winter option 1-Short sleeve shirt with open neck and dark navy blue or black T-shirt and trousers, or
- Winter option 2-Long sleeve shirt with open neck and dark navy blue or black T-shirt and trousers, or
- Winter option 3-Long sleeve shirt with open neck and turtleneck and trousers.

Class B uniform for Code Enforcement Officer shall consist of navy blue, long sleeve or short sleeve polo style uniform shirt and khaki colored BDU style trousers.

Non-sworn records staff are authorized to wear professional business attire bearing the police department logo.

All Officers and Code Enforcement Officers will possess and maintain a serviceable Class B uniform at all times.

### 926.3.3 CLASS C UNIFORM

The Class C uniform is a utility uniform for special department functions. The term Class C Uniform will apply to different uniforms for different specialty assignments within the department. The Class C uniform will be specifically defined by the commanding officer in charge of the specialty assignment and authorized by the Chief of Police.

### 926.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

### 926.3.5 RESERVE OFFICER UNIFORM

The reserve officer's uniform will be the same as for the regular officer. All uniform policies, regulations and specifications apply equally to reserve officers.

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### *Uniform Regulations*

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#### 926.3.6 UNIFORM PARTS DEFINED

**HAT-** The authorized uniform duty hat is a Stratton Brand, felt campaign hat that is dark blue in color. The hat will be equipped with silver acorn hat band and black leather chin strap. The hat will be worn squarely on the head. A blue baseball style cap is authorized as an alternative to the campaign hat. The Shift Commander may authorize a departure from this definition under severe weather conditions, for example a stocking cap may be worn in very cold weather.

**SHIRTS-**Uniform Shirts will be militarily pressed, three creases in the back and two in the front. Long sleeve shirts will be worn with sleeves fully extended and buttoned at the cuffs.

Uniform shirts will be the 5.11 brand, Stryke Professional Duty Uniform in a long sleeve (style #72073) or short sleeve (style #71037) version. Officers wearing the external ballistic vest carrier may wear a Hybrid Uniform Shirt with the Class B uniform option. The authorized hybrid shirt is a 5.11 Taclite Professional Duty Uniform shirt also in a long sleeve (style #72093) or short sleeve (style #71046) version.

Only dark navy blue or black T-shirts with a crew neck may be worn.

The turtle-neck shirt in Class B option three above may be either the classic turtle-neck or the “mock” turtle-neck style in dark navy blue or black. Both the classic and mock turtle-neck shirts may be embroidered with the letters SHPD in ½ inch silver letters on the left side of the neck. A “dickie” may be used to replace the turtle-neck shirt provided the outward appearance of the “dickie” is the same as the shirt

**PANTS-** The uniform pant will be the 5.11 brand Stryke Professional Duty Uniform in a Class A concealed cargo pocket (style 74426) or a Class B external cargo pocket (style #74427)

Trousers will be tailored so that when the officer stands at attention, the bottom edge of the trouser leg just touches the shoe in the front, and the bottom edge of the trouser leg falls approximately one inch above the point where the heel is attached to the shoe.

**LEATHER-** Leather goods will be black basket weave with silver buttons and buckle unless the officers chooses to have concealed snaps on leather devices. Belt buckles can also be black plastic or concealed. Nylon manufactured as black basket weave is also acceptable,

**SOCKS-** Black or dark Navy blue socks will be worn. White athletic style socks may be worn without prior approval when wearing boots as described below that fully conceal any exposed area of the white sock when standing or sitting.

#### **GLOVES -**

Gloves are an optional part of the standard uniform. The wearing of gloves year-round will be at the discretion of each employee, keeping in mind the purpose of the glove is for protection of the hand and not to promote any particular image. White dress gloves may be worn for formal events when appropriate. The following are the guidelines for all uniformed personnel:

- No weighted or “sap” gloves or gloves with plastic knuckle inserts.
- Must have fingers (no fingerless gloves, except for bike officers).

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- Must be black in color and made of vinyl or leather.
- Surgical gloves may be worn when handling unclean subjects or objects.
- Latex gloves with reinforced tips provide added protection from punctures and are available for use during searches.
- When not being worn, gloves must be kept out of public view (i.e., concealed completely in a pocket, briefcase, etc., not hanging from a belt or pocket).

Leather gloves are not to be considered as a safeguard against contact with blood or other potentially infectious materials and should not be used for that purpose. Leather cannot be thoroughly disinfected once contaminated, therefore posing a risk of contamination to the officer and must then be discarded in the manner prescribed for other hazardous waste materials.

**SHOES AND BOOTS** - Shoes and boots will be black, round-toed, plain design, smooth leather, with low heels, not more than 1" in height with black shoelaces. Buckle, strap, button or loafer type shoes are not authorized. High top shoes or boots, if worn, will fit snugly enough to the leg calf to insure that the uniform pants will not ride up and hang over the top. Black athletic shoes that comply with the other listed requirements are authorized.

Police Records staff is authorized to wear shoes with buckles in lieu of the above defined shoes with laces.

**PATROL JACKET** - Patrol jacket authorized for purchase is the Navy Midnight colored "Watershed" brand, "Tango" duty shell. The identifier "St. Helens Police" will be printed in large silver letters on the back. Patrol jackets previously authorized remain authorized until they reach the end of their useful life.

An alternative patrol jacket is the 5.11 brand Valiant soft-shell in Dark Navy, style number #48167. This jacket may also be worn under the equipment-bearing vests as authorized

**NAME PLATE**- The name plate will be 2.25 inches long by .50 inches tall and will be in a brushed silver finish. The name plate will display the last name of the officer in 1/4" black block lettering.

**FABRIC NAME STRIP (Class B Uniform only)** The fabric name strip is five inches wide by one inch tall and is dark navy blue with silver block letters that are one half inch high spelling out the last name of the officer.

**COURT ATTIRE** - An appearance in any trial, Grand Jury, hearing, public speaking engagement, school presentation, or any time a member is representing the Department in any function, attire without exception will be either the uniform of the day (not including the Utility or Class C uniform), or civilian attire consisting of not less than a dress shirt, tie, suit or sport coat and slacks with appropriate shoes. Personnel assigned to narcotics duty may attend Grand Jury in appropriate professional attire.

# St. Helens Police Department

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## *Uniform Regulations*

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### **926.4 INSIGNIA AND PATCHES**

- (a) **Shoulder Patches** - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an 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 may be worn on long sleeved shirts and jackets. Each stripe represents five years of service. 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.
- (c) **The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.**
- (d) **When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.**
- (e) **Assignment Insignias** - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.
- (f) **Department issued breast plates or pins such as the Medal of Valor, Meritorious Service, Lifesaving Award or Crisis Intervention Team (CIT) pin may be worn, centered above the nameplate.**
- (g) **Badge** - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (h) **Rank Insignia** - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

#### **926.4.1 MOURNING BADGE**

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 or an adjacent county** - 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.**

# St. Helens Police Department

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## *Uniform Regulations*

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### **926.5 CIVILIAN ATTIRE**

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) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
  - 1. T-shirt alone
  - 2. Open toed sandals or thongs
  - 3. Swimsuit, tube tops, or halter-tops
  - 4. Spandex type pants or see-through clothing
  - 5. Distasteful printed slogans, buttons or pins
- (e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the St. Helens Police Department or the morale of the employees.

### **926.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Chief of Police, St. Helens 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 himself/herself as an employee of the St. Helens 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.



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- (d) Appear in any commercial, social, or non-profit publication; or any motion picture, film, video, public broadcast, or any website.

### **926.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT**

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (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 (see the Department-Owned and Personal Property Policy).

### **926.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

St. Helens Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

St. Helens Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

# Nepotism and Conflicting Relationships

## 927.1 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.

### 927.1.1 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.

# St. Helens Police Department

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## *Nepotism and Conflicting Relationships*

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### **927.2 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 any individuals 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.

#### **927.2.1 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 his/her uninvolved, next highest level of supervisor.

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## *Nepotism and Conflicting Relationships*

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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 his/her 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.

### 927.2.2 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

## 928.1 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 his/her employing agency or jurisdiction.

### 928.1.1 POLICY

The St. Helens Police Department has a zero tolerance policy for domestic violence whether committed by a citizen 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.

### 928.1.2 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 a law enforcement agency. 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.

## 928.2 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 also prohibit firearm possession by any individual who is the subject of a domestic violence restraining order (this federal restriction does not apply to temporary restraining orders) (18 USC § 922(d)(8)) and ORS 107.718).

### 928.2.1 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 required in the Reporting of Employee Convictions Policy at the earliest opportunity and provide notice of any scheduled court dates, times, appearances and proceedings.

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## *Employee Involved Domestic Violence*

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### **928.3 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 Sergeant 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 C-Com 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.

#### **928.3.1 ON-SCENE SUPERVISOR RESPONSE**

A supervisor shall, whenever possible, report to the scene of all domestic violence incidents that occur within this jurisdiction where an St. Helens 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 (see the Domestic Violence Policy).

- (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 or a warrant was not sought. When feasible, a sworn supervisor from this department will respond to the location of any domestic violence incident involving an employee of the St. Helens Police Department which occurs in another jurisdiction to assist the responding agency and to take custody of any department weapons or other department equipment removed from the employee's possession.

#### **928.3.2 ARREST OF A LAW ENFORCEMENT OFFICER**

- (a) Whenever a sworn employee of the St. Helens 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, he/she 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 he/she is in custody.
- (e) Employees who are arrested shall be placed on administrative leave pending the disposition of criminal and administrative investigations.

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## *Employee Involved Domestic Violence*

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### 928.3.3 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.

### 928.4 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, he/she 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.
- (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 him/her to get assistance.

### 928.5 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.

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## *Employee Involved Domestic Violence*

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3. Alcohol and/or drug abuse.
  4. Increase in controlling behaviors.
  5. Citizen 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.

### **928.6 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

### 930.1 PURPOSE AND SCOPE

The St. Helens Police Department badge and uniform patch as well as the likeness of these items and the name of the St. Helens Police Department are property of the Department and their use shall be restricted as set forth in this policy.

### 930.2 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. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

#### 930.2.1 FLAT BADGE

Sworn officers, with the written approval of the may purchase, at his/her 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 he/she purchased to another officer within the St. Helens Police Department with the approval of the Chief of Police.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Policy Manual 700.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

#### 930.2.2 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 (e.g. Code Enforcement, Police records Specialist, Reserve Officer).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

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### 930.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees will be issued a St. Helens Police Department Retired Police Officer badge. This badge remains the property of the St. Helens Police Department but is issued to the retired officer for life.

Upon honorable retirement employees may purchase his/her 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.

### 930.3 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 and non-sworn uniformed 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.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### 930.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the St. Helens Police Department. The following modifications shall be included
  1. The text on the upper and lower ribbons is replaced with the name of the employee association.
  2. The badge number portion displays the initials of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police .

# Employee Speech, Expression and Social Networking

## 931.1 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.

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 citizen, 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.

### 931.1.1 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, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

## 931.2 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 St. Helens 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.

## 931.3 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 St. Helens 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.

### **931.4 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 citizen, 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 St. Helens 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 St. Helens Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the St. Helens 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 St. Helens 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

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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).

- (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 St. Helens 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).

### 931.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the St. Helens Police Department or identify themselves in any way that could be reasonably perceived as representing the St. Helens 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 his/her 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 St. Helens 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).

# St. Helens Police Department

St Helens Police Department Policy Manual

## *Employee Speech, Expression and Social Networking*

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Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, 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 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).

### **931.5 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Police for additional guidance).

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 e-mail system, computer network or any information placed into storage on any department system or device.

This includes records of all key strokes 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 user name or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks. However, the Department may not require a member to disclose a personal user name or password, or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (ORS 659A.330)

### **931.6 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 his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.

# St. Helens Police Department

St Helens Police Department Policy Manual

## *Employee Speech, Expression and Social Networking*

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- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

### **931.7 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.

## Anti-Retaliation

### 932.1 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.

### 932.2 POLICY

The St. Helens 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.

### 932.3 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 he/she has engaged in protected activity.



# St. Helens Police Department

## St Helens Police Department Policy Manual

### *Anti-Retaliation*

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#### **932.4 COMPLAINTS OF RETALIATION**

Any member who feels he/she has 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 Personnel 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.

#### **932.5 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.

# St. Helens Police Department

St Helens Police Department Policy Manual

## *Anti-Retaliation*

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### **932.6 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.

### **932.7 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 Internal Affairs Division for investigation pursuant to the Personnel Complaints Policy.

### **932.8 RECORDS RETENTION AND RELEASE**

The Police Support Specialist shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

### **932.9 TRAINING**

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

## Illness and Injury Prevention

### 933.1 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 St. Helens 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.

### 933.2 POLICY

The St. Helens 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.

### 933.3 ILLNESS AND INJURY PREVENTION PLAN

The Administration Lieutenant 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*

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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)).

### **933.3.1 SAFETY COMMITTEE**

The St. Helens 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 St. Helens 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.

### **933.4 ADMINISTRATION LIEUTENANT RESPONSIBILITIES**

The responsibilities of the Administration Lieutenant 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.

# St. Helens Police Department

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## *Illness and Injury Prevention*

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- (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.

### **933.5 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) Notifying the Administration Lieutenant when:
  - 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.

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## St Helens Police Department Policy Manual

### *Illness and Injury Prevention*

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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.

#### **933.6 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.

The Administration Lieutenant will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

#### **933.7 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 Administration Lieutenant shall ensure that the appropriate documentation is completed for each inspection.

##### **933.7.1 EQUIPMENT**

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall immediately notify a supervisor if an unsafe condition cannot be immediately corrected.

#### **933.8 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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### *Illness and Injury Prevention*

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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.

#### **933.9 TRAINING**

The Lieutenant should 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.

##### **933.9.1 TRAINING TOPICS**

The Lieutenant 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, footwear and PPE.
- (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.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed.

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## *Illness and Injury Prevention*

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- (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.

### **933.10 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).



## Line-of-Duty Deaths

### 934.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the St. Helens Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

#### 934.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

### 934.2 POLICY

It is the policy of the St. Helens Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

### 934.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Patrol Sergeant and C-Com.
  1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Patrol Sergeant should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Patrol Sergeant or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve

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## *Line-of-Duty Deaths*

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the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

### **934.4 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Patrol Sergeant or the authorized designee should select at least two members to conduct notification of survivors, one of which may be a Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.

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### *Line-of-Duty Deaths*

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- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other St. Helens Police Department members may be apprised that survivor notifications are complete.

#### **934.4.1 OUT-OF-AREA NOTIFICATIONS**

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

#### **934.5 NOTIFYING DEPARTMENT MEMBERS**

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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## *Line-of-Duty Deaths*

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### **934.6 LIAISONS AND COORDINATORS**

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

#### **934.6.1 DEPARTMENT LIAISON**

The Department Liaison should be a Lieutenant or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.

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## *Line-of-Duty Deaths*

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- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

### 934.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
  1. The survivors and others whose presence is requested by the survivors.
  2. Department members and friends of the deceased member.
  3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or St. Helens Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
  1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- The Hospital Liaison Officer will work with the Portland Police Bureau-Traumatic Incident Committee and the Portland Police Bureau-Peer Support Coordinator to ensure support is organized for all family members and affected SHPD members as needed.
- The Employee Assistance Program for the City of St. Helens should also be notified and requested for support and ongoing grief counseling for survivors. That contact information is; Employee Assistance Program (24/7) 800-654-9778, or 503-228-3223.
- The Notification Team will remain with the family at the treating medical facility until the appropriate support personnel (T.I.C. Team-Peer Support- other officers) replaces them. The Incident Commander may temporarily designate support personnel so that the Notification Team may be relieved, thereby providing continuous support for the family.
- Arranging transportation for the survivors back to their residence.

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- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

### 934.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Lieutenant. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
  1. Items should not be delivered to the survivors until they are ready to receive the items.
  2. Items not retained as evidence should be delivered in a clean, unmarked box.
  3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

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1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

#### 934.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
  1. Members involved in the incident.
  2. Members who witnessed the incident.

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3. Members who worked closely with the deceased member but were not involved in the incident.
  - (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.
  - (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
  - (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.
  - (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

### 934.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
  1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
  2. Bagpipers/bugler
  3. Uniform for burial
  4. Flag presentation
  5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.



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### 934.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many St. Helens Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

### 934.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  - 1. Public Safety Officers' Benefits (PSOB) Programs.
  - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
  - 3. Social Security Administration.
  - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
  - 1. Public Safety Memorial Fund (ORS 243.950 et seq.)
  - 2. Education benefit (ORS 348.270)
  - 3. Life insurance (ORS 243.025)
  - 4. Death benefit (ORS 238.395; ORS 238A.230)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

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1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

### **934.6.8 FINANCE COORDINATOR**

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  1. Paying survivors' travel costs if authorized.
  2. Transportation costs for the deceased.
  3. Funeral and memorial costs.
  4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

### **934.7 PUBLIC INFORMATION OFFICER**

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
  1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.

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- (f) If requested, assist the member's survivors with media inquiries.
  - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

### **934.8 INVESTIGATION OF THE INCIDENT**

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

### **934.9 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

### **934.10 NON-LINE-OF-DUTY DEATH**

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

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