

Ashland Police Department

Ashland Police Department Policy Manual

CRIMINAL JUSTICE CODE OF ETHICS

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

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

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

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

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MISSION STATEMENT ASHLAND POLICE DEPARTMENT

Our Mission

Partner with the community to promote public safety, public order, and the development of innovative crime prevention strategies while providing exceptional service

Vision:

To be the safest community in Oregon while building mutual trust and inclusiveness

Core Values:

F: Fairness

A: Accountability

I: Integrity

R: Respect for people

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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 Ashland 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 such peace officer's employment, and the peace officer may make such arrest within the state, regardless of the situs of the offense.
- (c) The peace officer shall inform the person to be arrested of the peace officer's authority and reason for the arrest, and, if the arrest is under a warrant, shall show the warrant, unless the peace officer encounters physical resistance, flight or other factors rendering this procedure impracticable, in which case the arresting peace officer shall inform the arrested person and show the warrant, if any, as soon as practicable.
- (d) In order to make an arrest, a peace officer may use physical force as justifiable under ORS 161.235, ORS 161.239 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

100.4 POLICY

It is the policy of the Ashland Police Department to limit its members to only exercise the authority granted to them by statute and applicable case 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).

Public Safety Certification

101.1 PURPOSE AND SCOPE

This policy outlines certain state certification and training requirements for [Department/Office] members.

101.2 BASIC CERTIFICATION

The Department of Public Safety Standards and Training requires that all sworn law enforcement officers and [dispatcher]s 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).

101.2.1 CHIEF EXECUTIVE OFFICER

In addition to the basic certification, executive officers should obtain a Department of Public Safety Standards and Training (DPSST) Executive certificate within two years of hire as a condition of employment (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 [dispatcher]s 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/office]-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 your name), do solemnly swear that I will support the Constitution of the United States of America, the Constitution and Laws of the State of Oregon, the laws and ordinances of the City of Ashland, and the Rules and Regulations of the Ashland Police Department; and that I will, well and faithfully, discharge the duties of the office to which I have been appointed, in and for the City of Ashland, according to law, and to the best of my ability."

102.2.1 CRIMINAL JUSTICE CODE OF ETHICS

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

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

103.2 POLICY

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

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Ashland 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 Ashland Police Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Special Orders, which shall modify those provisions of the manual to which they pertain. Special Orders 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.

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City - The City of Ashland.

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

Department/APD - The Ashland Police Department.

DHS - Department of Human Services.

DMV - The Department of Motor Vehicles.

Employee/personnel - Any person employed by the Department.

Manual - The Ashland Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Ashland 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).

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 Ashland 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.

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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 Special Orders. 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.

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 Division Commander 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 Division Commanders, 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 Ashland 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 Ashland 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.

200.1.1 POLICY

The department will apply basic organizational principles to ensure unity of command, delineation of responsibility, delegation of authority, organizational communication and career development opportunity.

200.1.2 PROCEDURE

The Chief of Police is designated by city charter, as having full authority and responsibility for the management, direction, fiscal management, and control of the operations and administration of this department.

200.2 DIVISIONS

There are three divisions in the Police Department as follows:

- Administrative Division
- Operations Division
- Support Division

200.2.1 ADMINISTRATIVE DIVISION

The Administrative Division consists of the Chief of Police and the Administrative Assistant.

200.2.2 OPERATIONS DIVISION

The Operations Division is commanded by a Deputy Chief or Lieutenant whose primary responsibility is to provide general management direction and control for that Division. The Operations Division consists of Uniformed Patrol, the Investigations Unit, Property and Evidence and Special Operations, which includes Traffic, SRO, and CSO.

200.2.3 SUPPORT DIVISION

The Support Division is commanded by a Deputy Chief, Lieutenant or Administrative Sergeant whose primary responsibility is to provide general management direction and control for the Support Division. The Support Division consists of Administrative Services, Records, Department Training, Budget, Internal Affairs Investigation and Central Area Patrol.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a Division Commander to serve as the acting Chief of Police.

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Organizational Structure and Responsibility

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

- (a) Operations Commander
- (b) Support Commander
- (c) Investigations Unit Commander

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.

200.3.3 ORDERS

Department Members must obey any lawful order of a supervisor or any order relayed from a superior by an employee of the same or lesser rank. No member is required to obey any order which is contrary to federal or state law, or local ordinance. Responsibility for refusal to obey rests with the member who shall be required to justify the refusal. If a Department member receives conflicting or unlawful orders, the Department Member shall exercise use of discretion in an effort to uphold the Enforcement Code of Ethics, and the agency's mission and vision statement.

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.

Special Orders

201.1 PURPOSE AND SCOPE

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

201.1.1 SPECIAL ORDER PROTOCOL

Special Orders will be incorporated into the manual as required upon approval of Staff. Special Orders will modify existing policies or create a new policy as appropriate. A Special Order will be rescinded once it has been incorporated into the manual.

All existing Special Orders have now been incorporated in the updated Policy Manual as of the below revision date.

Special Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year. For example, 08-01 signifies the first Special Order for the year 2008.

201.2 RESPONSIBILITIES

201.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Special Order.

201.2.2 CHIEF OF POLICE

The Chief of Police or the authorized designee shall issue all Special Orders.

Emergency Operations Plan

202.1 PURPOSE AND SCOPE

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

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

202.2 ACTIVATING THE EMERGENCY PLAN

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

202.2.1 RECALL OF PERSONNEL

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

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

202.3 LOCATION OF MANUALS

The manual for the employees is available in the Sergeant's office, online on the City intranet site, and in the Administrative Assistant's office. All supervisors should familiarize themselves with the Emergency Operations Plan and what roles police personnel will play when the plan is implemented.

202.4 BUILDING EVACUATION PLAN

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

202.5 UPDATING OF MANUALS

The Chief of Police or the authorized designee should review the Emergency Operations Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS), and appropriately address any needed revisions.

Training

203.1 PURPOSE AND SCOPE

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

203.2 PHILOSOPHY

The [Department/Office] 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/Office] will use courses certified by the Oregon Department of Public Safety Standards and Training (DPSST).

203.3 OBJECTIVES

The objectives of the Training Program are to:

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

203.4 TRAINING PLAN

A training plan will be developed and maintained by the Division Commander. It is the responsibility of the Division Commander 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/office] policies and procedures

203.4.1 TRAINING GUIDELINES

The following training guidelines are being established to allow the department to maximize training resources and effectiveness.

- (a) Whenever possible, department personnel will be sent to DPSST approved training.

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Training

- (b) Personnel with multiple special assignments will receive all of the mandated training, and to the extent that it is possible, all of the Career Development for all special assignments and duties.
- (c) Personnel will only be sent to out-of-state classes when similar training is not available in the state or when it is less expensive to send an employee to a specific course out-of-state than it would be to go to a similar course within the state.
- (d) Only officers who have attained the rank of Sergeant or above, and who will have a minimum of four years of active service with the department at time of graduation, will be allowed to attend the FBI National Academy.
- (e) Classes should be scheduled (whenever possible) so that on-duty personnel are used to replace the employee who is training, in order to avoid paying overtime.
- (f) Personnel assigned to multi-jurisdictional task forces or Regional SWAT teams will attend training designated per the task force agreement or SWAT team agreement and approval of the Chief of Police.
- (g) The department will maintain in-house instructors in the areas of firearms, defensive tactics, baton and Capsicum Pepper (OC) Spray, taser, and other less-lethal devices and munitions approved by the Chief of Police. Those instructors will attend certified instructors courses authorized either by DPSST or by the manufacturer of the product.
- (h) The department will meet DPSST required training for all personnel and meet Manufacturer of Product training for re-certification, and whenever practical use in-house instructors.

203.5 TRAINING NEEDS ASSESSMENT

The Training Division will conduct an annual training-needs assessment of the [Department/Office]. 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.

203.6 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:

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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 Division Commander to attend an alternate date.

203.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a Web-accessed system that provides training on the Ashland 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 Division Commander.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Division Commander. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off 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.

Electronic Mail

204.1 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 192.420. 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.

All employees will comply with the City Administrative Policy 2006.10.19 Electronic Media and Technology Usage Policy.

204.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over [department/office] networks are considered [department/office] records and therefore [department/office] property. The [Department/Office] 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/office] system. Likewise, employees are prohibited from receiving, sending or storing email messages in personal files. The [Department/Office] 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/office] 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/Office].

204.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire [department/office] are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or a Division Commander. 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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204.4 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

205.1 PURPOSE AND SCOPE

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

205.2 DEPARTMENT E-MAIL

Department E-mail 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.

205.3 CORRESPONDENCE

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

205.4 SURVEYS

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

205.5 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.

Staffing Levels

206.1 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.

206.2 MINIMUM STAFFING LEVELS

The Ashland City Council authorized the hiring of five additional Police Officers in March of 2017.

With a redeployment strategy, the Police Department remains committed to increasing its patrol strength from a Supervisor and three regular Officers, to a Supervisor and four regular Officers.

Unless otherwise authorized by the Chief of Police or a Division Commander minimum staffing levels, Monday through Friday, should result in the scheduling of at least three regular officers and a Supervisor on duty during the hours of 7 A.M. and 4 A.M. Between the hours of 4 A.M. and 7 A.M. staffing levels may be reduced to two regular officers and a Supervisor. The Supervisor may be an Officer in Charge (OIC). On weekends, Saturday and Sunday, staffing levels may be reduced to two regular officers and a Supervisor during the hours of 4 A.M. and 10 A.M. with at least three regular officers and a Supervisor on duty for the remainder of the day. The Supervisor may be an Officer in Charge (OIC).

During the hours of 6 P.M. on Friday and 3 A.M. on Sunday it is recommended a Sergeant be on duty. During shifts where staffing levels rise to a Supervisor and five officers, no more than one officer will be allowed to take discretionary time off. These levels may be reduced to a Supervisor and two officers to accommodate training or illness. The Supervisor may be an Officer in Charge (OIC).

In cases of emergency or at the discretion of the Division Commander, special assignment and traffic officers may be considered as part of staffing levels and used as the Officer in Charge (OIC).

206.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, an officer may be used as field supervisors in place of a Sergeant.

With prior authorization from the Chief of Police or Operations Division Commander, a Sergeant may act as a Division Commander for a limited period of time .

206.2.2 SUBSECTION TITLE

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.

Whenever feasible, officers should attempt to de-escalate confrontations with the goal of resolving encounters without force.

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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.

300.1.2 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of such excessive force. Such officers shall also promptly report these observations to a supervisor.

300.2 POLICY

It is the policy of this department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. Reasonableness of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

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.

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300.3 USE OF FORCE

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

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

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

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by 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 TO EFFECT AN ARREST

An officer is justified in using force upon another person only when and to the extent that the officer reasonably believes it necessary (ORS 161.235):

- (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.

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.

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- (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.
- (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.

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

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300.3.4 CAROTID CONTROL, "CHOKE HOLD", LATERAL VASCULAR NECK RESTRAINT (LVNR)

The Ashland Police Department does not use nor train in the use of the Carotid Control Hold, Choke hold or the Lateral Vascular Neck Restraint (LVNR). During a deadly use of force application officers may use any means necessary as described in policy 300.4.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

- (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 subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

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 any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

300.4.1 SHOOTING AT OR FROM 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 should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

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

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To collect data for purposes of training, resource allocation, analysis and related purposes, the Department also requires the completion of additional report forms, as specified in department policy, procedure or law.

The Ashland Police Department provides data to the FBI's National Use-of-Force Data Collection. The following criteria is required by the FBI:

Within five days of receiving a use of force report, the Support Division Commander or their designee, shall submit a report to the FBI Use-of-Force Data Collection database if the use of force involved or resulted in:

- When a fatality occurs to a person in connection to UoF by a law enforcement officer.
- When there is serious bodily injury to a person in connection with UoF by a law enforcement officer.
- In the absence of either death or serious bodily injury, when a firearm is discharged by a law enforcement officer at or in a direction of a person.

The Support Division Commander or their designee shall submit a zero report to the FBI database monthly if there were no uses of force as described above.

* The definition of serious bodily injury is based, in part, on 18 United States Code 2246 (4). The term “serious bodily injury” means bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.”

300.5.1 NOTIFICATION 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 [(EMDT)] or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

Use of Force

300.6 MEDICAL CONSIDERATION

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.

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

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure 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.

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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.

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

300.7.1 DIVISION COMMANDER RESPONSIBILITY

The Division Commander 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.

300.8 TRAINING

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

300.9 USE OF FORCE REVIEW BOARD

Every use of force as described in this Policy Manual will be reviewed by the Departments Use of Force Review Board. The Use of Force Review Board will consist of the Support Division Commander, Defensive Tactics instructor, and a Patrol Sergeant.

300.10 ANNUAL REVIEW

Each January the Support Division Commander will ensure that an annual review of all Use of Force Reports for the previous calendar year is conducted. The analysis will focus on the effectiveness and trends in the use of force that might suggest training or equipment needs,

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or policy modification. Specific detail including items such as officer names, case numbers and location of occurrence are not needed for this purpose and therefore will not be part of this process.

Deadly Force Review

301.1 PURPOSE AND SCOPE

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

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

301.2 POLICY

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

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or 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.

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

301.4.1 COMPOSITION OF THE BOARD

The Support Division Commander should select five Use of Force Review Board members from the following, as appropriate:

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

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- Division Commander
- 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 division as the involved employee will serve as chairperson.

301.4.2 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 Chief of Police.

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

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actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Division Commander 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

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

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

302.3 USE OF RESTRAINTS

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

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

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

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual 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 assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.

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302.3.3 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.

302.3.4 NOTIFICATIONS

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

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

In most situations handcuffs should be applied with the hands behind the person's back. Unless it cannot be done in a tactically safe manner, 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 individual 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.

302.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

Spit hoods/masks/socks 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. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

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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.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

302.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

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

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- (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 ambulance/paramedic unit, 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).

302.8 REQUIRED DOCUMENTATION

If an individual 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 an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.1.1 REQUIRED EQUIPMENT

All Officers while working a uniformed patrol assignment, shall carry a minimum of two control or less lethal devices upon their person. One shall be the Department issued OC spray and the other shall be the Department issued Conducted Energy Device (Taser). Uniformed patrol officers may carry the baton as authorized and in accordance with baton guidelines.

303.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Ashland Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

303.4 RESPONSIBILITIES

303.4.1 WATCHCOMMANDER RESPONSIBILITIES

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

303.4.2 RANGEMASTER RESPONSIBILITIES

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

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

303.4.3 USER RESPONSIBILITIES

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

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

303.5 BATON GUIDELINES

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

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

303.6 TEAR GAS GUIDELINES

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

303.7 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.

Prior to being authorized to carry OC spray APD members shall be exposed to OC spray from a certified, control-device weapons or tactics instructor in accordance with sections a through c.

- (a) Lateral officers or prior military who have been exposed to OC do not have to be exposed to OC

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- (b) Members will be exposed during training and prior to being released from PTO or Cadet/Park Patrol Training
- (c) All APD personnel who carry OC shall be exposed to OC by either a partial or full exposure:
 - 1. A full exposure shall consist of OC being spared on the forehead just above the eyes.
 - 2. A partial exposure will consist of OC being placed on either a Q-tip or fingertip and placed in the corner of the members eye.

If members of APD are unable to be exposed to OC, the control-device weapons or tactics instructor shall submit a memo to the Rangemaster. The Rangemaster will determine if the member can be issued OC spray.

303.7.1 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.

303.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

303.7.3 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.

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

303.9 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.

303.9.1 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.

303.9.2 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.

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- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

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

303.9.3 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 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 has not been loaded into the shotgun.

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

303.10 TRAINING FOR CONTROL DEVICES

The Division Commander 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. This training will include training in applied discretion and should be completed on a biennial basis.
- (b) All training and proficiency for control devices will be documented in the officer's training file.

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Control Devices and Techniques

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

303.11 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.

Conducted Energy Device

304.1 PURPOSE AND SCOPE

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

304.2 TASER USE REQUIREMENTS

Taser shall only be used by authorized trained personnel to subdue, control or take into custody a person whom the officer reasonably believes:

- (a) Creates an immediate, credible threat to the physical safety of the officer, another person, or the individual himself/herself AND
- (b) Unless prompt action is taken to immobilize the person there is a substantial likelihood the situation could lead to the death or physical injury of the officer, another person, or the individual himself/herself.

The phrase "the situation could lead to" means that the officer does not have to wait until lethal force would be justified. At the same time, this language is not meant to be stretched to cover anything which has the potential for getting out of hand. The situation must involve an immediate and reasonably believed threat.

"Physical injury" is used here as that term is defined in the Oregon Revised Statutes section 161.057(7)I and means impairment of physical condition or substantial pain. The potential "physical injury" cannot be something as minor as, for example, a petite person slapping, pushing, or scratching a much larger officer.

In addition officers should consider the following when using the Taser:

- a. The TASER 7 device has two different cartridges for duty use. A close quarter cartridge and a standoff cartridge. The device will be loaded with the close quarter cartridge for normal duty use.
 - (a) The close quarter cartridge is effective in engagement ranges as close as 4 feet, with a 12 degree dart spread.
 - (b) The standoff cartridge is effective in engagement ranges at 11.5 feet and beyond, with a 3.5 degree dart spread. All TASER 7 cartridges have a wire length of 25 feet.
- b. The probes are not to be intentionally aimed or fired at the head, neck or genitalia.
- c. A warning should be given to a person prior to activating a Taser unless to do so would place any other person at risk.
- d. When activating a Taser officers may use it for up to one standard cycle then stop and evaluate the situation.
- e. Smart cartridges cannot be discharged by static electricity, however they should still only be carried in the supplied spare cartridge case, attached to the TASER 7 holster.

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- f. When possible, have adequate alternative means of back up force available.
- g. The Taser shall be carried in a department approved holster and worn opposite the officer's duty weapon.
- h. Officers shall be responsible for ensuring that their issued Taser is properly maintained and in good working order at all times.
- i. The Taser may be used on animals posing a threat to an officer or other party.
- j. Officers shall spark test their Taser at the start of every shift. This will be done using the function test procedure recommended by Axon.

304.3 FURTHER LIMITATIONS ON THE TASER USAGE

Even if otherwise authorized under section 304.2 of this policy, use of a Taser is further restricted in the following circumstances:

- a. A Taser may not be used on persons who are already handcuffed or persons who are passively resisting or resisting by bracing or stiffening parts of their bodies unless there is a reason to believe that the person is in possession of a deadly weapon or has some other means of causing substantial injury to themselves or others. The facts that justified the officers belief that the handcuffed person or persons who are passively resisting, were in possession of a deadly weapon or had some other means of causing substantial injury to themselves or others needs to be specifically addressed in the officer's report.
- b. No more than one officer should activate a Taser against a person at a time.
- c. The Taser shall not be used on one person more than three times (three standard 5 second cycles) during one incident.
- d. That a subject is fleeing is never the sole justification for use of a Taser. Severity of the offense and the threat of injury to the subject or others should the subject escape should be considered.
- e. Tasers shall not be used when a person is in a location where a fall may cause substantial injury or death.
- f. Tasers shall not be used in the known presence of combustible vapors and liquids or other flammable substances.
- g. Tasers shall not be used against subjects in physical control of a vehicle in motion to include automobiles, trucks, motorcycles, ATV's, bicycles and scooters.
- h. Tasers should not be used on women if there is reason to believe they are pregnant, elderly persons, young children (who are obviously less than 12 years of age), and visibly frail persons.
- i. The Taser should be primarily used in the "Probe Mode". The Taser should only be used in the "Drive Stun Mode" when an officer is too close to a person to use the "Probe Mode" and the officer is attempting to create a physical separation from that person during a struggle, or to complete the circuit in the event of an ineffective probe strike.

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j. The lasers on the TASER may not be deactivated.

k. TASER devices are not to be carried off duty.

Exceptions that would permit the use of a Taser in these circumstances are:

a. The person is armed with a deadly weapon.

b. The person cannot safely be controlled with other available options.

c. The officer using the Taser would otherwise be justified in using deadly force.

304.4 TRAINING

Initial training of personnel in the correct use and care of the Taser shall be the responsibility of the Training Sergeant or Deputy Chief. No member of this Department will be authorized to carry or use the Taser without proper certification from Axon (Formerly Taser International) and demonstrated proficiency on department policy. That training shall include a review of medical evidence related to potential dangers of Taser usage on persons with preexisting medical conditions. After the initial training, all Taser operators will be required to attend a recertification class every year.

304.4.1 TASER OPERATORS

The Taser may be carried by officers who have completed an orientation course on its use.

Upon availability, TASER devices will be issued to authorized operators at the completion of the orientation course. The TASER devices can be carried by those operators as long as they maintain current training certification.

304.4.2 TASER TACTICS

Although the Taser has been proven effective, officers should when possible, obtain sufficient back up prior to using the device. The deployment of back up officers is essential for the containment of the suspect. When deployed, back up officers should use caution and avoid standing within range of the Taser. If the Taser is effective, the suspect will become temporarily incapacitated for a short period of time. When this occurs, back up officers should move in upon command of the Taser operator to control and handcuff the suspect. No officer should remove and display the Taser from its holster in one hand, while displaying a firearm in the other hand.

304.4.3 REPORTING USE OF THE TASER

All discharges of the Taser shall be documented in the police report of the incident. If the Taser is discharged by an officer other than the primary officer on the report, a supplemental report will be completed. The officer documenting the incident shall include the Taser serial number within the body of the report. Photographs will be taken of the area the Taser probes made physical contact and/or where a drive stun Taser contact was applied to the suspect. The photographs will be uploaded to digitalevidence. Taser cartridges that come into contact with the suspect when deployed will be booked into evidence. The officer booking the cartridge will be sure to remove the probes and place them in an approved container, prior to booking the cartridge into evidence.

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The officer deploying the Taser shall notify an on duty Sergeant or OIC as soon as reasonable after an incident occurs in which the Taser was deployed.

When the Taser is deployed, but not activated or discharged, to gain compliance from a subject the deployment will be documented in either a police report or a memo. A copy of the police report or memo will be routed to the Division Commander.

304.4.4 TARGETING CONSIDERATIONS

While manufacturers generally recommend that reasonable efforts should be made to target lower center mass and to avoid intentionally targeting the head, neck, chest and groin, it is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the TASER darts to a precise target area. As such, officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin until he/she is released to the care of paramedics or other medical personnel.

304.4.5 MULTIPLE APPLICATIONS OF THE DEVICE

If the first application of the TASER appears to be ineffective in gaining control of an individual and if circumstances allow, the officer should consider the following before additional applications of the TASER:

- (a) Whether the probes or darts are making proper contact.
- (b) Whether the application of the TASER is interfering with the ability of the individual to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

This, however, shall not preclude any officer from deploying multiple, reasonable applications of the TASER on an individual.

304.5 MEDICAL TREATMENT

Absent extenuating circumstances or unavailability, only qualified personnel, including certified paramedics, should carefully remove TASER darts from a person's body. Used TASER darts shall be considered a sharp biohazard, similar to a used hypodermic needle. Universal precautions should be taken accordingly.

All persons who have been struck by TASER darts 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 darts are lodged in a sensitive area (e.g., groin, female breast, near the eyes).
- (e) The person requests medical treatment.

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Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, imperviousness to pain (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 and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person receiving custody or any person placed in a position of providing care that the individual has been subjected to the application of the TASER.

304.6 LOADING AND UNLOADING THE TASER

When loading and unloading the Taser in the police building, the Taser shall be loaded and unloaded with the Taser on safe, and pointed in a downward direction to avoid the potential for accidents.

304.7 UNAUTHORIZED USAGE

Any use of the Taser device other than to restrain a suspect as outlined in the Control Devices and Techniques policy and Conducted Energy Device policy may be considered a violation of the Use of Force policy and subject to discipline.

NOTE: The exception to this is in controlled training classes approved by the Chief of Police or a Division Commander.

304.8 REVIEW OF TASER DEVICE USAGE

A copy of the report and all documentation including the download from the audio and video recording will be forwarded to the Use of Force Committee. The Use of Force committee will review all of the reports and recordings of the incident and will make a determination if the Taser usage was within department policy. The report along with the findings of the Use of Force Committee shall then be forwarded to the Chief of Police for review.

304.9 DOWNLOADING OF TASER DATA

Downloading of the TASER 7 data is now completed by removing the battery from the device and "docking" it in the wall charger, similar to the Axon body cameras. The dock will condition the battery, download all data from the device and upload any new firmware to the device, as well as check for any errors.

Officers will dock their TASER 7 battery at the end of the last shift in their work week at a minimum.

Once a battery is docked, it must remain docked for a minimum of 30 minutes to download/upload properly.

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Batteries will be docked anytime the device is deployed, to download the event log for the incident.

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer as outlined in the Jackson County Deadly Physical Force Plan. This plan can be found on City of Ashland computers under G:police/shared/general orders/JC Deadly Physical Force Plan-officer involved shooting.

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

305.2 POLICY

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

305.3 DEFINITIONS

Involved Officer

1. The person who's official conduct, or official order, was the cause in fact of the death of a person. "Involved Officer" also means an officer whose conduct was not the cause in fact of the death, but who was involved in the incident before or during the use of deadly physical force, and this involvement was reasonably likely to expose the officer to a heightened level of stress or trauma.
2. This definition also applies to a situation in which no death occurs, but where the officer used deadly physical force.

Employer Agency

The agency by which the involved officer is employed or with which the person is affiliated.

Agency of Primary Responsibility

The agency within whose geographical jurisdiction the incident occurs. When an incident crosses jurisdiction boundaries, or occurs in the unincorporated areas of Jackson County, the agency of primary responsibility shall be jointly decided by the supervisors of the involved agencies.

Criminal Investigators

Those investigators assigned by the agency of primary responsibility, the employer agency, and/or the Major Assault/Death Investigation Unit, to conduct the criminal investigation of the incident.

Administrative Investigators

Those investigators assigned by the employer agency to conduct the internal administrative investigation of the incident.

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Major Assault/Death Investigation Unit or MA/DIU

The Jackson County interagency team that investigates serious assault and murder cases and cases involving the use of deadly physical force by a law enforcement officer.

Case Agent

The detective assigned to lead the criminal investigation, issue assignments to other investigators, and gather reports for submission to the District Attorney's office. The case agent should not be from the employer agency.

305.4 TYPES OF INVESTIGATIONS

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

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

305.5 INVESTIGATION PROCESS

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

305.6 CRIMINAL INVESTIGATION

A. Investigation Team Composition and Objective

1. The investigative team will be composed of criminal investigators from the Major Assault/Death Investigation Unit. The participating agencies share responsibility for the integrity of the investigation; however, the agency of primary responsibility has the ultimate authority to decide any irreconcilable investigative issues.
2. The criminal investigation has priority over the administrative investigation and it begins immediately after an incident has occurred.
3. The goal of the criminal investigation is to develop all available relevant information about the incident in such a manner as to minimize further trauma to the involved officer. This information will be used in two ways:
 - a) To determine the PRESENCE OR ABSENCE of criminal culpability on the part of all those involved in the incident. Specifically:
 - (i) To determine whether the conduct involved is prohibited or authorized by criminal statutes.

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- (ii) If criminal conduct does exist:
 - (a) Determine the identity of the person(s) responsible for that conduct;
 - (b) Determine the type and degree of the crime(s);
 - (c) Determine the existence of any factual or legal defenses to the crime; and
 - (d) Determine the presence or absence of any factors which would mitigate or aggravate punishment for the crime.

b) To incidentally provide factual information to the employer agency's management for its internal use. While the criminal investigators do not direct their investigative attention to administrative concerns, it is recognized that the criminal investigation's results are of proper interest to agency management for its internal use, and those results are fully available for that purpose.

4. The criminal investigation is performed in a manner that provides both the appearance and the reality of a thorough, fair, complete and professional investigation which is free of conflicts of interest.

B. Call-out procedure

Upon identifying an occurrence as one involving the use of deadly physical force by an officer, the supervisor of the agency of primary responsibility shall make the following notifications as promptly as possible:

1. When the agency of primary responsibility is the Jackson County Sheriff's Office, the Oregon State Police, the Medford Police Department, Ashland Police Department, Central Point Police Department or Eagle Point Police Department, the supervisor shall determine the number of detectives needed from the Major Assault/Death Investigation Unit. That supervisor will cause MA/DIU detectives to be contacted.

2. When the agency of primary responsibility is not one of those listed above, the on-scene supervisor of the agency of primary responsibility shall contact the Jackson County Sheriff's Office or the Oregon State Police and speak directly to a supervisor regarding the call-out of the Major Assault/Death Investigation Unit and will cause the supervisor of those detectives to be contacted.

If a supervisor from the Oregon State Police or the Jackson County Sheriff's Office is unavailable, the on-scene supervisor shall leave a telephone number and wait for a return call, or take other appropriate action.

3. A case agent from the Major Assault/Death Investigation Unit shall be appointed by a supervisor of the agency of primary responsibility when the incident occurs within the jurisdiction of the Jackson County Sheriff's Office, the Oregon State Police, the Medford Police Department, Ashland Police Department, Central Point Police Department or Eagle Point Police Department.

In other jurisdictions, the case agent shall be selected by agreement of the unit members. The case agent should not be from the employer agency.

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4. As part of the Major Assault/Death Investigation Unit call-out, the following additional notifications shall be made:
 - a) The District Attorney's Office: Notification shall be made to the District Attorney first, and if unavailable, the Chief Deputy. If neither is available, notification should be made to a senior member of the District Attorney's staff.
 - b) The medical examiner in the event of a death.
 - c) The forensic laboratory division of the Oregon State Police, when this is determined necessary by the case agent.

305.7 INVOLVED OFFICERS

The following shall be considered for the involved officer:

Any request for legal representation will be accommodated.

Requests from involved non-APD officers should be referred to their employing agency.

Discussions with licensed attorneys will be considered privileged as attorney-client communications.

Discussions with an Association representative will be considered privileged communication.

A mental health professional shall be provided by the Department to each involved APD officer (ORS 181.789). An involved officer shall attend at least one session.

A mental health professional may also be provided to any other affected APD members, upon request.

Interviews with a mental health professional will be considered privileged.

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).

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 181.860). To be considered confidential communications under the statute, the peer counselor must:

1. Have been designated by APD or employee assistance program to act as a peer counselor, and;

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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 181.789). It shall be the responsibility of the Division Commander to make schedule adjustments to accommodate such leave.

Considerations for involved officer interviews:

- (a) Interviewees will be considered witnesses unless circumstances dictate otherwise.
- (b) Prior to conducting the interview, the interviewer shall be briefed by the case agent and, if possible, view the scene.
- (c) The interview shall be conducted by detectives assigned to the Major Assault/Death Investigation Unit. Each interview shall be conducted by two detectives, at least one of whom shall be from an agency other than the employer agency.
- (d) Interviews will be conducted separately, and in a comfortable setting. Interviewers must remain aware of the perceptual distortions associated with traumatic incidents, and how these distortions may vary between officers. In- depth interviews may have to occur some time after the incident, depending upon the officer's condition.
- (e) Interviews should be audio and/or video recorded.
- (f) If the interview is custodial in nature, the officer shall be given Miranda warnings.
- (g) APD supervisors and Division Commander personnel should not participate directly in any voluntary interview of APD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (h) If requested, any involved officer will be afforded the opportunity to consult with an Association representative of his/her choosing or an attorney prior to speaking with criminal investigators.
- (i) 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.
- (j) 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.

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305.7.1 REPORTS BY INVOLVED APD OFFICERS

While the involved APD officer may write a report it is not encouraged. 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.

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

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

305.7.2 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.

305.8 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department may conduct an internal administrative investigation of involved APD officers to determine conformance with department policy. This investigation will be conducted under the

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supervision of the Division Commander and will be considered a confidential officer personnel file. The Ashland Police Department may adopt the criminal investigation as the administrative investigation.

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

- (a) Any officer involved in a shooting or death may be requested, but is not obligated, to provide a blood sample for alcohol/drug screening.
- (b) If an 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 Association representative to be present during the interview. The officer may also choose to consult with an Association representative or attorney 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.
 5. The Division Commander 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.

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7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.9 CIVIL LIABILITY RESPONSE

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

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

305.10 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death will 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 District Attorney or City Attorney's Office, as appropriate.

305.11 DEBRIEFING

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

305.11.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable but not prior to statements being given in the criminal investigation. The Support Division Commander 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.

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.

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The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Division Commander personnel.

305.11.2 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.

305.12 MEDIA RELATIONS

Initial media releases are the responsibility of the agency of primary responsibility, after consultation with the case agent and District Attorney. This responsibility will normally continue until the final police reports are submitted to the District Attorney for review.

The District Attorney will assume responsibility for media releases once the final police reports are submitted to the District Attorney's Office for review. This will assist in minimizing the release of information that may jeopardize the investigation or subsequent prosecution.

No involved APD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander.

305.13 REPORTING

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

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306.1 PURPOSE AND SCOPE

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

306.2 AUTHORIZED WEAPONS

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

All other weapons, 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 personnel in the performance of their official duty without the express written authorization of the employee's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

306.2.1 DUTY WEAPONS - DEPARTMENT ISSUED OR PERSONALLY OWNED

The authorized departmental issued handguns are the Glock 22 and 27 chambered in .40 S&W. and the Glock 17, 17 MOS, 26 and 43 chambered in 9 mm. The department is responsible for issuing a Level Three Holster with these weapons.

The following personally owned handguns are approved for on-duty use and may be utilized as primary duty weapons as long as they conform to the following criteria:

- (a) Will be stock from the factory with no internal modifications and no adjustable triggers. External modifications must be approved by the Range Master and Chief of Police.
- (b) Semi-automatic pistol
- (c) Caliber - 9 mm,.40 SW,.45 ACP
- (d) Barrel Length " (Uniformed personnel) 3.5 to 6 inches.
- (e) Double Action/Safe Action/Single Action 1911 style with grip safety and slide lock safety.
- (f) Capacity " Minimum of 8 rounds.40 SW and.45 ACP (7 in the magazine with 1 in the chamber)
- (g) While in uniform, officers shall carry no less than 22 rounds on their person.
- (h) Officers can exchange base plates on personally owned magazines to a larger or heavier base plate. Base plates can only be in black or grey.
- (i) Officers shall not utilize base pad extensions on duty or personally owned magazines for duty use. Maximum rounds for a 9mm shall be 17 rounds, for 40 S&W shall be 15 rounds and 45 ACP shall be 13 rounds.

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- (j) Finish " Stainless steel, Blue steel, Parkerized/matte, Nonglare nickel, Tenifer.
- (k) Grips " Wood natural colors, black rubber, black or brown plastic.
- (l) Must be produced by one of the following Manufacturers. Glock, Smith and Wesson, Colt, Beretta, Sig Sauer, Springfield, H & K, Kimber, Browning, Ruger, Para Ordnance (LDA or 1911 style) or any other manufacturer with the Range Master's approval.
- (m) If carrying a personally owned handgun for duty use with a personally owned or department issued optic, the handgun must be from a reputable manufacturer with a factory milled plate/slide. Examples are as such: Glock MOS (Modular Optic System), Sig Sauer P320, Smith & Wesson M&P C.O.R.E, the FN 509 serious or any other manufacture with the Range Master's approval.

If a uniformed officer chooses to carry a personally owned handgun as their primary duty weapon they are required to have a holster with three safety features. Personally owned handguns and holsters are the expense of the individual officer. Officers shall carry only department issued ammunition while carrying a personally owned handgun on duty.

306.2.2 AUTHORIZED SECONDARY FIREARM

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

- (a) The firearm shall be in good working order, on the department's list of approved firearms and may include approved revolvers.
- (b) Only one secondary firearm may be carried at a time.
- (c) The purchase of the firearm and ammunition shall be the responsibility of the officer.
- (d) The firearm shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (e) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the firearm is other than department issue, the Chief of Police shall approve the ammunition. Ammunition shall be supplied by the individual officer.
- (g) Prior to carrying the secondary firearm, personnel shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule.
- (h) Officers must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (i) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second firearm to the Rangemaster.
- (j) The Department may issue a secondary firearm if one is available.

306.2.3 AUTHORIZED OFF-DUTY FIREARM

The carrying of firearms by sworn officers while off-duty is permitted by the Chief of Police, but may be rescinded should circumstances dictate (e.g., administrative leave). Sworn officers who

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choose to carry a firearm while off-duty, based on their authority as a peace officer, will be required to meet the following guidelines:

- (a) The firearm shall be of good quality and workmanship and approved by the Department.
- (b) The purchase of the firearm and ammunition shall be the responsibility of the officer.
- (c) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (d) It will be the responsibility of the officer to submit the firearm to the Rangemaster for inspection prior to being carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (e) Prior to carrying any off-duty firearm, the officer 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.
- (f) The officer will successfully qualify with the firearm prior to it being carried and thereafter once every twelve (12) months. The range qualification dates will be specified by the Rangemaster.
- (g) A complete description of the firearm shall be contained on the qualification record approved by the Rangemaster.
- (h) If any member desires to use more than one firearm while off-duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each firearm used.
- (i) Officers shall only carry department-authorized ammunition.
- (j) When armed, whether on- or off-duty, officers shall carry their badge and department identification.

306.2.4 OPTICS

(a) Rifle optics/ Red Dot Sight (RDS)

- (1) The authorized department issued RDS is the Trijicon (MRO) Miniature Rifle Optic with a 2.0 MOA or the Aimpoint (PRO) Patrol Rifle Optic with a 2.0 MOA.
- (2) The RDS will be placed on department patrol rifles and left in-service.
- (3) Officers are to check the operational readiness of the optics prior to the shift and note any issues or problems and forward the information to the Rangemaster.
- (4) Batteries will be changed during the first month of each calendar year by the Rangemaster or their designee. The Rangemaster will keep a record of all maintenance and repairs to department issued optics/RDS.
- (5) All department issued optics will verify a correct “zero” yearly by the Rangemaster or his designee. The Rangemaster will keep a record of all changes to the weapons/optics zero.

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(6) Personally owned optics/RDS can be used for duty use if an officer is using a personally owned rifle. No personally owned optics will be placed on department issued patrol rifles. The optic/RDS

must be approved by the Rangemaster prior to use and must be from a reputable manufacturer.

(7) Personally owned optics/RDS can have a magnification up to a fixed 4 power magnification.

(b) Handgun/Duty issued Micro Red Dot Sight (MRDS)

(1) The authorized department issued (MRDS) are the following:

- a. Trijicon Ruggedized Miniature Reflex (RMR) RM01 Type 2 with a 3.25 MOA
- b. Trijicon RMR RMO2 Type 2 with 6.5 MOA
- c. Leupold DeltaPointPro 2.5 MOA (dot reticle)
- d. Leupold DeltaPointPro 7.5 MOA (triangle reticle)

(2) Prior to issuing a MRDS for patrol use, the officer shall attend the mandatory 8-hour class for understanding and using MRDS, which includes the following but not limited to; classroom instruction,

range drills and passing a department qualification, before carrying on duty.

(3) Officers are to check the operational readiness of the optic on a weekly basis, note any issue or problems and forward the information to the Rangemaster.

(4) Batteries will be changed during the first month on each calendar year by the Rangemaster or his designee. The Rangemaster will keep a record of all maintenance and repairs to department

issued MRDS.

306.2.5 AMMUNITION

Officers shall carry only department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all department issued duty or personally owned duty firearms during the officer's first scheduled qualification each year. Replacements for unserviceable or depleted ammunition issued by the department shall be dispensed by the Rangemaster or their designee when needed in accordance with established policy.

306.2.6 ALCOHOL AND DRUGS

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

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306.3 SAFE HANDLING OF FIREARMS

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

306.3.1 SAFETY CONSIDERATIONS

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice quick draws while on duty except under the Rangemaster or their designees supervision.
- (c) Officers 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.
- (e) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked.
- (f) Officers shall not use any automatic weapon, heavy caliber rifle, gas or other type of chemical weapon from the armory, except with approval of a supervisor.
- (g) Any weapon authorized by the department to be carried on- or off-duty, that is found by the officer to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to the department Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by a department Rangemaster, will be immediately removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued until the duty weapon is serviceable.

306.3.2 STORAGE OF FIREARMS AT HOME

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

306.4 FIREARMS TRAINING

For officers to attain the highest degree of proficiency in their use of police firearms, the department will require that officers be well trained in the handling of weapons as well as laws governing their use.

No sworn employee shall be authorized to carry a weapon in any capacity until the employee has completed the appropriate basic police academy training program (entry level) or equivalent department training (Lateral officers).

Any officer who want to carry either a department issued MRDS or a personally owned MRDS on a duty handgun must attend a 16-hour class, which include classroom, zeroing the MRDS to the officer, mechanical offset, single hand dominant/non-dominant, target transitions, extreme dot

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picture, optic malfunctions, weapon system manipulations and malfunctions. Officers are required to pass qualifiers with a 90% or better before carrying the handgun/MRDS on duty.

Entry level personal are required to attend the MRDS prior to academy training.

The Rangemaster and Firearms Instructors will assure that training addresses current needs and concerns dealing with firearms training. All training will be documented in the employees training file.

Sworn personal who are authorized to carry a firearm shall receive an appropriate amount of annual in-service training. The Rangemaster and/or their designee will conduct training, to include, but not limited to:

- Range firing
- Department firearms procedures
- Review of Use of Force Policy
- Firearms care and maintenance
- Officer survival
- Low light/night Course – Should be conducted twice a year
- Discretionary Course
- Exertion/Stress/Injured shooter Course
- Moving Target Course
- Active Shooter Training
- Vehicle CQB
- MRDS Training
- ALICE Training

Training will be developed by the Rangemaster and Firearms Instructors as needed to address specific training issues such as inspection procedures, equipment issues, use and deployment procedures, and care and maintenance instructions.

306.5 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify annually with their duty weapon on an approved range course. The Rangemaster shall keep accurate records of qualifications, repairs, maintenance, training or as directed by the Division Commander. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on, and demonstrate their knowledge and understanding of the department Use of Force policy.

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All firearms proficiency training and qualification courses shall be conducted under the supervision of currently certified firearms instructors.

Sworn personnel who carry a MRDS will qualify semiannually.

Sworn personnel are required to qualify semiannually in low-light/night time conditions.

306.5.1 NON QUALIFICATION

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall verbally notify the Rangemaster immediately. The officer/s shall also submit a memorandum/email to the Rangemaster and their direct supervisor by the end of their next work shift. .

Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

- (a) Additional range assignments may be required until consistent weapon proficiency is demonstrated.
- (b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up.
 - 2. Failure to qualify after remedial training.

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

306.6 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 officer reasonably believes that they appear necessary, effective and reasonably safe.

306.7 DESTRUCTION OF ANIMALS

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

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306.7.1 INJURED ANIMALS

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

306.8 REPORT OF 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 Shooting 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 Division Commander 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.

306.9 RANGEMASTER DUTIES

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

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

306.10 MAINTENANCE AND REPAIR

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

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306.10.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The Rangemaster shall be the only person authorized to repair or modify any department-owned weapon. All repairs and/or modifications of department issued weapons not performed by the Rangemaster must be approved in advance by the Rangemaster and accomplished by a department approved gunsmith.

Any repairs or modifications to the officer's personally owned weapon shall be done at his or her expense and must be approved by the Rangemaster.

306.11 FLYING WHILE ARMED

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.
- (b) Officers must carry their department identification card, which must contain a full-face picture, 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) In accordance with TSA procedures, the Department will obtain a message containing a unique alphanumeric identifier from TSA through the National Law Enforcement Telecommunications System (NLETS) prior to the officer's travel. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.
- (d) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer. The letter must outline the officer's need to fly armed, must detail his/her itinerary and should include that the officer has completed the mandatory TSA training for law enforcement officers 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 can be accomplished by early check-in at the carrier's check-in counter.
- (g) 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.
- (h) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier.

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- (i) Officers shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

306.12 CARRYING FIREARMS OUT OF STATE

Qualified active full-time officers and qualified retired officers (see Policy Manual § 220) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC 926B and C):

- (a) The officer shall carry his/her Department identification whenever carrying such weapon.
- (b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.
- (c) The officer is not the subject of any current disciplinary action.
- (d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (e) 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 authorities may not shield an officer from arrest and prosecution in such locally restricted areas

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC 926B and C.

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307.1 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.

307.1.1 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.

307.1.2 FAILURE TO YIELD

Refers to the action of a vehicle operator who fails to stop or respond to the emergency light(s) and siren of a law enforcement vehicle. Generally, the vehicle operator continues to travel forward at or below the designated speed limit, observes applicable rules of the road and does not change their direction of travel in an evasive manner.

307.2 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 (Oregon Revised Statutes 820.300). This exemption only applies to emergency vehicles using emergency lights, and sirens (Oregon Revised Statutes 820.300 and

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Oregon Revised Statutes 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 Oregon Revised Statutes 820.300(2).

307.2.1 WHEN TO INITIATE A PURSUIT

The decision to initiate a pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large. Any officer in an authorized, properly equipped emergency vehicle may initiate pursuit when all of the following criteria are met: The suspect operating the vehicle refused to stop at the direction of the police officer. The suspect exhibits the intention to avoid arrest by using a vehicle to flee apprehension for one or more of the following alleged, attempted or actual felonious crimes:

- Murder/Manslaughter
- Armed Robbery
- Rape/Felony Sexual Offenses
- Felonious Aggravate Assault
- Kidnapping
- Felony Hit and Run
- First Degree Burglary
- Arson
- The pursuing officer's supervisor authorizes continuance of a pursuit

Officers may initiate pursuits for other offenses in those cases where the violator is demonstrating driving or other behavior so imminently dangerous that the necessity of apprehension outweighs the danger of continuing the pursuit. If an Officer initiates a pursuit under these conditions they shall at the first appropriate time follow the guidelines under Primary Unit Responsibilities listed in this policy.

Supervisors may also authorize pursuits for any offense in those cases where a violator generally maintains a lawful speed but refuses to stop in response to an officer's signal. The officer is authorized to follow the violator and call for additional assistance as necessary to effect a stop.

Before initiating or continuing a pursuit the following circumstances should be evaluated:

- Nature and seriousness of the offense
- Geographic location

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- Time of the day or night
- Road conditions Weather conditions and visibility
- Other vehicular and/or pedestrian traffic
- Speeds of the pursuit Officer and vehicle capabilities and equipment
- Other occupants in the Department vehicle
- Familiarity with the area the pursuit may enter
- Quality of radio communications between the pursuing officer, the supervisor and the dispatch center
- Due regard for the safety of others

307.2.2 WHEN PURSUIT IS NOT ALLOWED

- (a) The police vehicle does not have adequate emergency equipment (lights and siren).
- (b) The police vehicle is a sports utility vehicle or similar type vehicle not designed for or rated for pursuits.
- (c) The police vehicle is obviously in need of maintenance.
- (d) Driving conditions are unfavorable due to weather, road conditions, traffic or pedestrian congestion, time of day, location, volume of vehicular traffic or speeds involved.
- (e) The police vehicle is carrying civilian passengers.
- (f) The identity of the violator has been established to the point that a later apprehension and identification is likely through other means.
- (g) The case is a misdemeanor, infraction, non-violent felony, or warrant for something other than the crimes listed in the Evaluation of Circumstances section and the supervisor has not given express permission to pursue.
- (h) When another agency requests assistance in a vehicle pursuit and it does not meet the Ashland Police Department vehicle pursuit requirement.

307.2.3 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 suspect(s)' escape.

The factors listed in this Policy within the section titled '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

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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 vehicle(s).

In addition to the factors listed within the section "When to Initiate a Pursuit" the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing officers and the fleeing vehicle(s) 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) The primary unit has traveled such a distance as to lose effective communications with the dispatch center or the patrol supervisor
- (d) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive or the vehicles emergency lights and/or siren malfunction
- (e) When crossing a state line unless authorized by the shift supervisor
- (f) 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
- (g) Directed by a supervisor

307.2.4 TERMINATING THE PURSUIT

When a pursuit is terminated the pursuing unit(s) will:

- (a) Advise dispatch that the pursuit has been terminated
- (b) Slow down to the posted speed limit
- (c) Turn off their emergency lights and siren when safe to do so
- (d) If outside city limits, units will return to the city

307.2.5 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:

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

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307.3 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 suspect(s). 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.

307.3.1 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.

307.3.2 UNMARKED VEHICLE USE IN PURSUIT

Officers operating vehicles that do not meet the definition of an emergency vehicle as defined in ORS 801.260 shall not engage in vehicle pursuits. Notwithstanding other sections of this policy and other policies, unmarked emergency vehicles may initiate or participate in a pursuit only if the nature of the crime is such that human life is in immediate danger or if the suspect's escape would pose an immediate and significant risk to society, and only if marked units are unavailable. Officers driving unmarked vehicles should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of marked emergency police vehicles or any police helicopter.

The exemptions provided by Oregon Revised Statutes 820.300 do not apply to officers using vehicles which do not qualify as emergency vehicles under Oregon Revised Statutes 801.260.

307.3.3 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 suspect(s) without unreasonable danger to themselves or other persons.

Notify Dispatch and the Supervisor 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) Road and or traffic conditions.
- (e) Description of the fleeing vehicle and license number, if known.
- (f) Number of known occupants.
- (g) The identity or description of the known occupants.

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- (h) 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.

307.3.4 SECONDARY UNIT(S) 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

307.3.5 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:

- (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 suspect(s).

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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.

307.3.6 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.

307.3.7 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 suspect(s).

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.

307.3.8 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.

307.4 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.

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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 APD units when a pursuit enters another jurisdiction.
- (j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

307.4.1 WATCH COMMANDER RESPONSIBILITY

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

The Watch Commander shall review all pertinent reports for content and forward to the Division Commander.

307.5 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.

307.5.1 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Dispatch will:

- (a) Clear the channel on which the pursuit is being broadcast.

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- (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 Division Commander as soon as practical.

307.5.2 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.

307.6 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.

307.6.1 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 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.

307.6.2 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. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

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

- (a) Ability to maintain the pursuit.

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- (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.

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

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.

307.7 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 road spikes.

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

307.7.1 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.

307.7.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers 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.

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307.7.3 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 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:

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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 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) Pursuit intervention tactics, for either the Ashland Police Department or another agency, shall follow the standards set out in section 307.2.1 When to Initiate a Pursuit.
- (g) 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.

307.7.4 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.

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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.

307.8 REPORTING REQUIREMENTS

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

- (a) The primary officer shall complete appropriate crime/arrest reports
- (b) A field supervisor shall complete a Supervisor's Log summarizing the pursuit to his/her department manager to evaluate the pursuit in terms of Department policy. The memo shall minimally contain the following information:
 - 1. Date and time of pursuit.
 - 2. Length of pursuit.
 - 3. Involved units and officers.
 - 4. Initial reason for pursuit.
 - 5. Starting and termination points.
 - 6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable.
 - 7. Injuries and/or property damage.
 - 8. Medical treatment.
 - 9. Name of supervisor at scene.
 - 10. A preliminary determination, simply stating whether or not the pursuit appears to be in compliance with this policy.
 - 11. Determine the need for any additional review and/or follow up.

307.8.1 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 policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

307.8.2 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.

307.8.3 ANNUAL REVIEW

During the first calendar quarter of each year, Operations Division Commander will ensure that an annual review of all vehicle pursuit incidents for the previous calendar year is conducted. The

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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

308.1 PURPOSE AND SCOPE

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

308.2 RESPONSE TO CALLS

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

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

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

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

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

308.2.1 UNMARKED VEHICLE DEFINED

An unmarked police vehicle is defined as a vehicle that while owned by the City of Ashland and operated as a police vehicle, is not plainly marked and is not immediately identifiable as a police vehicle. An unmarked vehicle may or may not meet the definition of an emergency vehicle as defined in ORS 801.260 depending on what equipment has been installed on the vehicle. Specifically, ORS 801.260 requires that a vehicle be equipped with emergency lights and a siren to be considered an emergency vehicle.

308.2.2 UNMARKED VEHICLE RESPONSE TO EMERGENCY CALLS

Uniformed officers driving marked police vehicles have primary responsibility for responding to emergency calls for service. However, from time to time it is necessary for plain clothed officers driving unmarked vehicles to respond to emergency calls for service to assist uniformed officers, or because no uniformed officers are available.

Officers operating vehicles that do not meet the definition of an emergency vehicle as defined in ORS 801.260 shall not engage in code 3 response to calls. Officers operating unmarked vehicles

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that meet the definition of an emergency vehicle under ORS 801.260 may respond to emergency calls for service code 3 only if the nature of the call is serious, and only in a manner consistent with this policy. A code 3 response in an unmarked vehicle may be considered for service requests only if uniformed officers are unavailable to respond and only for calls such as: a person being threatened with injury or death, a felony property crime that is in progress, or calls in which serious property damage is imminent and an immediate law enforcement response is needed to mitigate injury, property loss, or to apprehend the suspect(s).

Officers operating unmarked vehicles in a code 3 capacity must be mindful that the public may not immediately recognize the unmarked vehicle as an emergency vehicle due to its lack of markings, and that code 3 responses in an unmarked vehicle are decidedly more dangerous to the officer and the public compared to code 3 responses in a marked emergency vehicle.

308.3 REQUESTING EMERGENCY ASSISTANCE

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

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

308.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one unit should respond to an emergency call Code-3 unless the Watch Commander or the field supervisor authorizes an additional unit(s).

308.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify Dispatch. Generally, not more than two units should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, Dispatch shall be notified and the Watch Commander or field supervisor will make a determination as to whether additional officers driving Code-3 is appropriate. Officers who are first on-scene should advise additional responding units to reduce code as soon as it is safe and practical to do so.

308.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)

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

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

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

308.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Division Commander or a field supervisor prior to assigning units Code-3. The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance
- (b) Immediately notify the Division Commander
- (c) Confirm the location from which the unit is responding
- (d) Notify and coordinate allied emergency services (e.g., fire and ambulance)
- (e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated
- (f) Control all radio communications during the emergency and coordinate assistance under the direction of the Division Commander or field supervisor

308.7 SUPERVISORY RESPONSIBILITIES

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

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

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

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

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Officer Response to Calls

When making the decision to authorize a Code-3 response, the Division Commander 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

308.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Division Commander, field supervisor, or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

Domestic Violence

309.1 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/office] to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

309.1.1 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.

309.2 POLICY

The Ashland 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/office] to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

309.3 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.

309.3.1 MANDATORY ARRESTS

Police 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 Oregon Revised Statutes 107.705, or to believe that one such person has placed the other in fear of imminent serious physical injury, shall arrest and take into custody the alleged assailant or potential assailant. In responding to domestic violence incidents, officers are not required to arrest both parties (Oregon Revised Statutes 133.055).

Police officers shall make reasonable efforts to identify who is the assailant or potential assailant in any incident. In identifying the assailant or potential assailant, an officer shall consider:

- (a) The comparative extent of the injuries inflicted or the seriousness of threats creating a fear of physical injury.
- (b) If reasonably ascertainable, the history of domestic violence between the persons involved.

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- (c) Whether any alleged crime was committed in self-defense; and
- (d) The potential for future assaults.

309.3.2 RELEASE

Once a suspect has been arrested under the provisions of Oregon Revised Statutes 133.055 the suspect shall be taken to jail. Officers have no authority to subsequently release the arrested person and any post incarceration release decision will be the responsibility of corrections personnel.

309.3.3 PRIVATE PERSON'S ARREST

A private person cannot make an arrest of a person for violating the terms of restraining or protective orders: Pursuant to Oregon Revised Statutes 133.225, a private person may arrest another person for any other crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime.

309.3.4 STAND-BY ASSISTANCE

As a condition of a restraining order to prevent abuse, the party being restrained may be required to move from the petitioner's residence, if in the sole name of the petitioner or if it is jointly owned or rented by the petitioner and the restrained party, or if the parties are married to each other. A party may also be restrained from going within a set distance of that residence, unless accompanied by a peace officer.

- (a) A peace officer who accompanies a party removing essential personal effects pursuant to a restraining order shall remain for up to 20 minutes and may temporarily interrupt the removal of property at any time. Restrained parties wishing to remove essential items from a residence only have the right to be accompanied by a peace officer one time.
- (b) When tenancy issues arise, a peace officer's duty to arrest remains unaffected.

309.3.5 INCIDENTS INVOLVING LAW ENFORCEMENT EMPLOYEES

Upon arrival at the scene of a domestic violence incident involving any law enforcement officer or other department employee as the suspect or victim, the handling officer shall immediately notify Dispatch and request a supervisor be sent to the scene, regardless of the involved employee's jurisdiction. The investigation shall be conducted as any other domestic violence incident as detailed by department policy. If there is a question about whether an incident falls under this policy, contact a supervisor.

309.3.6 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 employee of this or any other law enforcement agency is identified as a suspect or victim, regardless of the involved individual's agency jurisdiction.

- (a) The supervisor will ensure that a thorough investigation is conducted and the reports are forwarded to the District Attorney's Office.

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- (b) When an employee of the Ashland Police Department is a suspect in domestic violence, and this department is investigating, the on-scene supervisor will affirmatively give the victim an option to request investigation by an outside agency.
- (c) 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.

309.4 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.
- (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 Investigation Unit 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.

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- (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.

309.4.1 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.

309.4.2 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.

309.4.3 PROOF OF SERVICE NOT VERIFIED

When the officer verifies that a restraining order exists but cannot verify proof of service or prior knowledge of the order by the suspect, the officer shall perform the following:

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- (a) At the request of the complainant and upon presentation of an endorsed copy of the restraining order and a proof of service form, serve a copy of the order on the suspect. Submit the completed proof of service form to the court, regardless of whether or not the suspect is taken into custody.
- (b) Immediately inform the suspect of the terms of the order and place the suspect on notice that violation of the order will result in arrest.
- (c) Obtain the suspect's address.
- (d) Enforce the order but do not make an arrest for any violation of the order occurring prior to verified proof of service or before an officer's admonition of the terms of the order. If the suspect continues to violate the order after being advised of the terms, an arrest should be made. If the suspect complies with the order the officer shall complete a report detailing the specific terms of the order and advisement, the name of the advising officer, and the date and time of the advisement.
- (e) The officer serving the order on the suspect must obtain a Proof of Service form from the Sheriff's Office, complete, sign and submit it to the issuing court.

309.4.4 WHEN ORDERS ARE NOT VERIFIABLE

If the victim is not in possession of the restraining order and/or for any reason the officer can not verify the validity of the order the following action shall be taken:

- (a) Write a report and provide the report number to the victim.
- (b) Inform the victim of how to contact the appropriate detective or investigation unit for further action.
- (c) Inform the victim of the right to make a private person's arrest for an appropriate criminal offense other than for violating the restraining order.

In domestic violence cases where the suspect has left the scene an investigation should be conducted to determine if a crime has been committed. A written report should be completed and the victim informed of the case number and the follow-up criminal procedure.

309.5 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/office]'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.

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- (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).

309.5.1 RECORDING INJURIES AND STATEMENTS

All visible injuries should be photographed regardless of severity and all victims shall receive proper medical care prior to being photographed, if needed or desired. When permitted by law, officers may make a video recording of the injuries and victim statements.

Victims whose injuries are not visible at the time of the incident should be advised to contact the Police Department, in the event the injuries later become visible. An investigator may be assigned to ensure the injuries are photographed during the course of preparing the case for court.

309.6 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.

309.6.1 WRITTEN NOTICE TO VICTIMS

Officers must provide each person who has been a victim of domestic violence with a copy of the department Domestic Violence Information Card containing information relating to shelters or other services available in the community and notice of the legal rights and remedies available to victims (Oregon Revised Statutes 133.055).

Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence pamphlet provided to the victim. 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.

309.7 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

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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.

309.8 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.

309.8.1 RETURN OF FIREARMS

Weapons taken into custody for safekeeping under §320.8 will be returned to the lawful owner upon request unless the seizing officer or the assigned detective has placed a hold on the weapons pending a petition for retention. Once the petition has been ruled on by the court, the weapons will be released or disposed of in accordance with the court order.

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

In the event that no timely petition is filed with the court or the court denies such a petition, the seized weapon(s) shall be eligible for release to the lawful owner or other authorized individual unless such weapon(s) represent evidence in a criminal matter or there is other independent good cause to continue to retain custody of the weapon(s).

309.8.2 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).

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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).

309.9 DISPATCHER'S RESPONSIBILITIES

This Department considers calls of reported, threatened, imminent, or ongoing domestic violence, and the violation of any restraining order issued pursuant to Oregon Revised Statutes 133.310, of extreme importance and shall be ranked among the highest priorities. Dispatchers are not required to verify the validity of the protective order before responding to the request for assistance. All calls of domestic violence should be dispatched as soon as practical.

309.9.1 PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request.

309.10 REPORTS AND NOTIFICATIONS

Officers should document in their report that they provided each domestic violence victim with a copy of the [department/office]'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.

309.10.1 EMERGENCY PROTECTIVE ORDERS

The Records Supervisor 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

310.1 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 Ashland Police Department personnel to consider when dealing with search and seizure issues.

310.2 POLICY

It is the policy of the Ashland 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.

310.2.1 SEARCH PROTOCOL

- (a) Members of this department will conduct person searches with dignity and courtesy.
- (b) Members of this department will conduct property searches in a manner that returns the condition of the property to its pre-search status as nearly as reasonably practical.
- (c) Members of this department should attempt to gain keys to locked property when a search is anticipated and the time and effort required to gain the keys makes it a practical option.
- (d) When the person to be searched is of the opposite sex of the officer, an officer of the like sex should be summoned to the scene to conduct the search.
- (e) A search may be undertaken of a member of the opposite sex when it is not practical to summon an officer of the like sex. In these instances the officers will adhere to the following guidelines:
 - 1. A supervisor and/or one other officer should witness the search, if practical.
 - 2. Officers will use the back side of their hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch and buttocks areas.
- (f) The officer will explain to the person being searched the reason for the search and how the officer will conduct the search.

310.3 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.

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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.

310.3.1 RESIDENCE

Absent a valid search warrant, exigent circumstances, probation or parole authorization, or valid consent, every person has a reasonable expectation of privacy inside his/her home. Individuals do not, however, generally have a reasonable expectation of privacy in areas around their home where the general public (e.g., mail carriers & solicitors) would reasonably be permitted to go.

310.3.2 PLAIN VIEW

Because an individual does not have an expectation of privacy as to items that are in plain view, no "search" has taken place in a constitutional sense when an object is viewed from a location where the officer has a right to be.

- (a) An item in plain view may generally be seized when all of the following conditions exist:
 1. It was viewed from a lawful location
 2. There is probable cause to believe that the item is linked to criminal activity
 3. The location of the item can be legally accessed
- (b) The object of a search and/or seizure must be one of the following (ORS 133.535):
 1. Evidence or information pertaining to a crime
 2. Contraband
 3. Proceeds or fruits of a crime

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4. Items used in the course of the commission of a crime (Instrumentalities).
5. A person for whom there exists a warrant or probable cause to arrest, or who is unlawfully held in concealment

It is important to note that the so-called "Nexus Rule" requires that even items in plain view must not be seized unless there is probable cause to believe that the item will aid in an investigation. Such a nexus should be included in any related reports.

310.3.3 EXIGENT CIRCUMSTANCES

Exigent circumstances permitting entry into premises without a warrant or valid consent generally include any of the following:

- (a) Imminent danger of injury or death
- (b) Serious damage to property
- (c) Imminent escape of a suspect
- (d) The destruction of evidence

An exigency created by the officer's own conduct as an excuse for a warrantless entry is not generally permitted.

310.4 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.

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310.5 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.

Temporary Custody of Juveniles

311.1 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 Ashland Police Department (34 USC § 11133).

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

311.1.1 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/office] 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.

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- (b) A juvenile handcuffed to a rail.
- (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.

311.2 POLICY

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

311.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Ashland 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 Ashland 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.

311.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Ashland 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 Ashland Police Department without authorization of the arresting officer's supervisor or the Division Commander.

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 Ashland Police Department (ORS 419B.160; ORS 419C.130).

311.4.1 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 Ashland 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).

311.4.2 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).

311.4.3 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 Ashland Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

311.4.4 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).

311.5 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

311.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the [Department/Office], the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the Ashland Police Department.

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- (c) Division Commander notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (e) Any changes in status.
- (f) Time of all welfare checks.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure custody.
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Division Commander shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

311.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the [Department/Office] (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Ashland 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.

311.8 TEMPORARY CUSTODY REQUIREMENTS

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

- (a) The Division Commander should be notified if it is anticipated that a juvenile may need to remain at the Ashland Police Department more than four hours. This will enable the Division Commander to ensure no juvenile is held at the Ashland 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.

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- (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.

311.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Ashland 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 Division Commander. 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.

311.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Ashland 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.

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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 Ashland Police Department.

311.11 SECURE CUSTODY

Only juvenile offenders 14 years or older may be placed in secure custody. Division Commander 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/office] 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.

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.

311.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire time in custody.
- (b) Juveniles shall have constant auditory access to [department/office] members.
- (c) Initial placement into and removal from a locked enclosure shall be logged.
- (d) Random personal visual checks of the juvenile by staff member shall occur no less than every 15 minutes.
 - 1. All checks shall be logged.
 - 2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room.
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

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- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

311.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Division Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Ashland Police Department. The procedures will address:

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

311.13 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.)

311.14 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).

311.15 RECORDS

Fingerprint and photograph files or records of juveniles must be kept separate from those of adults (ORS 419A.250).

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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.

311.16 TRAINING

[Department/Office] members should be trained on and familiar with this policy and any supplemental procedures.

Adult Abuse

312.1 PURPOSE AND SCOPE

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

312.1.1 DEFINITIONS

Definitions related to this policy include:

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

312.2 POLICY

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

312.3 MANDATORY NOTIFICATION

Members of the Ashland 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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312.3.1 NOTIFICATION PROCEDURE

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

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

312.4 QUALIFIED INVESTIGATORS

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

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

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- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (ORS 430.739).

312.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. The [Department/Office] 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.

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312.6 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 adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this [department/office] 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.

312.6.1 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).

312.7 INTERVIEWS

312.7.1 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.

312.7.2 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:

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

312.8 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.

312.9 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.

312.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Unit 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 Investigation Unit 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.

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312.9.2 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 Investigation Unit supervisor so an interagency response can begin.

312.10 STATE MANDATES AND OTHER RELEVANT LAWS

Oregon requires or permits the following:

312.10.1 RECORDS DIVISION RESPONSIBILITIES

The Records Division is responsible for:

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

312.10.2 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).

312.11 TRAINING

The [Department/Office] 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

313.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent [department/office] 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/office] elected officials (2019 Oregon Laws, c. 463, § 2).

313.2 POLICY

The Ashland 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/Office] will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The [Department/Office] 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 non-discrimination policies of the [Department/Office] 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.

313.3 DEFINITIONS

Definitions related to this policy include:

313.3.1 DISCRIMINATION

The [Department/Office] prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on the 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 (e.g., 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, 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/office] equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to [department/office] policy and to the [department/office] commitment to a work environment that is free of discrimination.

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313.3.2 SEXUAL HARASSMENT

The [Department/Office] 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.

313.3.3 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 a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with City or [department/office] rules or regulations, or any other appropriate work-related communication between supervisor and the member.

313.3.4 RETALIATION

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

313.4 RESPONSIBILITIES

This policy applies to all [department/office] members who shall follow the intent of these guidelines in a manner that reflects [department/office] policy, professional law enforcement standards, and the best interest of the [Department/Office] 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 his/her 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, Human Resource Director, or the City Administrator.

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Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment, discrimination, or 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 resolution as stated below.

313.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor and manager 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 (2019 Oregon Laws, c. 463, § 3).
- (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 Human Resource 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.

313.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the [Department/Office] and professional law enforcement 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.

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

313.5.1 SUPERVISORY RESOLUTION

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

313.5.2 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 any investigation (ORS 659A.199).

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be 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, Human Resource Director or the City Administrator.

313.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the [Department/Office]. Members who believe that they have been harassed or discriminated 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.

313.6 NOTIFICATION OF DISPOSITION

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

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313.7 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 Human Resource Director, depending on the ranks of the involved parties.
- Maintained in accordance with the established records retention schedule.

313.8 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 he/she has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during his/her term with the [Department/Office].

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.

313.8.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, manager, the Chief of Police, Human Resource Director or the City Administrator for further information, direction or clarification.

313.9 ADDITIONAL REQUIREMENTS

The Human Resource 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 (2019 Oregon Laws, c. 463, § 2).

A member may file a complaint with the Bureau of Labor and Industries and also may have other legal remedies under Oregon law (2019 Oregon Laws, c. 463, § 2).

- (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.

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- (f) Claims made against the Ashland Police Department require advance notice pursuant to ORS 30.275 (2019 Oregon Laws, c. 463, § 2).

A member may file a complaint with the [Department/Office] within four years from the date of the alleged incident or within the time limitation specified in ORS 659A.875, whichever is greater (2019 Oregon Laws, c. 463, § 3).

A member who believes he/she has been subjected to workplace harassment may access available community services and any support services provided by the [Department/Office], such as the employee assistance program (2019 Oregon Laws, c. 463, § 2).

No member will be required or coerced into a nondisclosure (confidentiality) or nondisparagement (an agreement not to say anything negative about the Ashland 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 (2019 Oregon Laws, c. 463, § 2).

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314.1 PURPOSE AND SCOPE

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

314.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

314.2 MANDATORY NOTIFICATION

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

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

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

314.2.1 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:
 1. The name and contact information of the confidential reporter.
 2. The name, address, and age of the child.

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

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

314.2.2 REPORTING AND DOCUMENTATION

Investigating officers will submit a complete investigative report in all cases of alleged child abuse. Officers responding to incidents of suspected child abuse where it cannot initially be shown that a crime occurred shall still document the incident in a police report.

314.2.3 CONTACTING SUSPECTED CHILD ABUSE VICTIMS

Officers should not involuntarily detain a juvenile suspected of being a victim of abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless any of the following apply:

- (a) Exigent circumstances exist. For example:
 1. A reasonable belief that medical issues need to be addressed immediately.
 2. It is reasonably believed that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
- (b) A court order or warrant has been issued.

In all circumstances in which a suspected child abuse victim is contacted, it will be incumbent upon the investigating officer to articulate in the related reports the overall basis for the contact and what, if any, exigent circumstances exist.

Any juvenile student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provide comfort and support and

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such staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship.

314.3 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).

314.4 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:

- (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.

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- (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).

314.4.1 KARLY'S LAW

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

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

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

314.5 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/office] should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available

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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

314.5.1 NOTICE TO PARENTS

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

- (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).

314.5.2 SAFE HAVEN PROVISION

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

When an infant is surrendered to this [department/office], members of the Ashland Police Department shall follow the provisions set forth in ORS 418.017.

314.6 INTERVIEWS

314.6.1 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

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in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

314.6.2 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.

314.7 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

314.7.1 COURT ORDERS FOR PRESERVATION OF EVIDENCE

When an officer is taking a child into protective custody and has reasonable cause to believe that the child has been affected by sexual abuse and rape, and that physical evidence of the abuse exists and is likely to disappear, the court may authorize a physical examination for the purpose of preserving evidence, if such examination is in the best interest of the child (ORS 419B.020).

314.8 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.

314.8.1 SUPERVISOR RESPONSIBILITIES

The Investigation Unit supervisor should:

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- (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 Investigation Unit 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.

314.8.2 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 Investigation Unit supervisor so an interagency response can begin.

314.9 STATE MANDATES AND OTHER RELEVANT LAWS

Oregon requires or permits the following:

314.9.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (ORS 419B.035).

Information may be shared to the appropriate military authorities regarding a child who is the subject of a report of child abuse when the parent or guardian of the child is in the military (ORS 419B.015).

314.9.2 COUNTY MULTIDISCIPLINARY CHILD ABUSE TEAM AND PROTOCOL

The Investigation Unit 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/office] members (ORS 418.747).

314.9.3 CHILD FATALITY REVIEW TEAMS

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

314.9.4 DISPOSITION OF INVESTIGATION

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

- Founded

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- Unfounded
- Undetermined

314.11 TRAINING

The [Department/Office] 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.

Missing Persons

315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

315.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who:

- (a) Are 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.

315.2 POLICY

The Ashland 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 reveals

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otherwise. The Ashland 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. All missing person cases will be forwarded to the Investigations Unit for review and assignment if still missing over 30 days, unless circumstances dictate an immediate investigation by Detectives.

315.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation Unit 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

315.4 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 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.

315.5 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:

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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.

315.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

315.6.1 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 Division.
- (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.

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1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

315.6.2 RECORDS DIVISION RESPONSIBILITIES

The responsibilities of the Records Division 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 Investigation Unit.
- (e) Coordinating with the NCIC Terminal Contractor for Oregon to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

315.7 INVESTIGATION UNIT 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.

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- (g) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (h) Should make appropriate inquiry with the Medical Examiner.
- (i) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.
- (j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to Oregon State Police and enter the photograph into applicable missing person networks (34 USC § 41308).
- (k) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (l) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

315.8 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 Records Supervisor 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)).

315.8.1 UNIDENTIFIED PERSONS

[Department/Office] 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.

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- (c) Use available resources, such as those related to missing persons, to identify the person.

315.9 CASE CLOSURE

The Investigation Unit 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 Ashland or this [department/office] 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/office] is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

315.10 TRAINING

Subject to available resources, the Division Commander should ensure that members of this [department/office] 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/office] 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).

Amber Alerts

316.1 PURPOSE AND SCOPE

The safety of Oregon's children is a priority and the State should use every resource available to protect them. The first few hours after a child is abducted are critical to the safe recovery of that child, and it is essential to utilize maximum public participation in the recovery efforts of law enforcement.

The AMBER (America's Missing: Broadcast Emergency Response) Alert Program, using the Emergency Alert System (EAS) in conjunction with television, radio and state highway message boards, provides timely emergency information to the public regarding a child abduction.

Through these means, the public will be notified of the circumstances of a child's abduction and how they can assist law enforcement in the child's recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement.

316.1.1 DEFINITIONS

Abduction - An incident in which a child is reported to be involuntarily missing from the person(s) having care-taking responsibilities for the child. Absent an eyewitness to the abduction, agencies should have reliable evidence that the child's disappearance was not voluntary prior to initiating an AMBER Alert request.

316.2 AMBER ALERT ACTIVATION CRITERIA

The AMBER Alert system should only be activated when all of the following criteria exists:

- (a) A confirmed abduction of a child.
- (b) The victim of the abduction is a child age 17 years or younger.
- (c) There is a reasonable belief that the child is in danger of serious bodily harm or death.
- (d) There is enough descriptive information about the child, abductor and/or suspect's vehicle to believe an immediate broadcast alert will help.
- (e) The child's name and other critical data elements, including the Child Abduction flag (CA) and AMBER Alert (AA) flag, have been or will be entered into the National Crime Information Center (NCIC) system.

The AMBER Alert system will not be used in situations where the child is a runaway, missing with no evidence of foul play, or the circumstances involve a custodial situation, unless there is reason to believe the abductor will seriously injure or kill the child. The AMBER Alert is not designed to be used in cases of missing adults.

316.3 ALERT RESPONSIBILITY

The employee receiving the abduction report shall notify the Division Commander or appropriate Investigation Unit Supervisor as soon as practicable. The Division Commander or Investigation

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Unit Supervisor will then determine whether or not the abduction meets the criteria for triggering an AMBER Alert. The Division Commander or Investigation Unit Supervisor shall promptly notify the Chief of Police and the appropriate Division Commander.

316.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Ashland Police Department should notify their supervisor, Division Commander or Investigation Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

316.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Press 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 Division Commander

316.4 PROCEDURE

- (a) (a) These procedures only apply to Amber alerts originating in Jackson County, OR. Information provided to the Emergency Communications of Southern Oregon (ECSO) from other counties regarding an Amber Alert (kidnapped children, etc.) shall be processed as a standard "Attempt to Locate." When any law enforcement officer receives a report of an abducted child, the following will occur:
 - (b) The responsible officer will complete the checklist and establish the criteria for an Amber Alert;
 - (c) A supervisor with the initial agency will contact the on-duty Jackson County Sheriff's Department Patrol Shift Supervisor who will:
 - (a) Review the checklist to ensure the agreed upon Amber Alert criteria have been met
 - (b) Review the EAS message for content
 - (c) Authorize the Amber Alert Activation
 - (d) The responsible law enforcement agency Supervisor will FAX (or verbally relay) the Emergency Alert System (EAS) message to ECSO;

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- (e) Once received ECSO will:
 - (a) Page local Amber Alert call-takers
 - (b) Activate the "AMBER" group page including MADIU, JCEEG, and the Major Page
 - (c) Notify the California Highway Patrol
 - (d) Respond to 911 calls about the alert
- (f) Major Assault and Death Investigation Unit (MADIU) members not immediately involved in the initial investigations and local Amber Alert call-takers shall respond to ECSO;
- (g) A representative of the Jackson County Office of Emergency Management will respond to the ECSO EOC for the purpose of activating the 7-digit roll-down telephone bank;
- (h) A representative of the Jackson County office of Emergency Management will activate the Jackson County EAS located at ECSO
- (i) JCSO Patrol Shift Supervisor will respond to the ECSO Boardroom;
- (j) The Sheriff's Department Patrol Shift Supervisor will telephone OSP Central Command and speak with the on duty OPS Supervisor. The Sheriff's Shift Supervisor will FAX (or verbally relay) the EAS message to OSP Central Command;
- (k) Upon confirmation of the criteria, OSP will either:
 - (a) Call-forward the statewide tip number to the local call-center 7-digit number or,
 - (b) Take the calls in the call-center in Salem and forward the information directly to the responsible agency.
- (l) The Oregon State Police will relay the message to the State Oregon Emergency Management to have the message sent through the EAS system;
- (m) The Oregon Emergency Management will enter the message into the encoder and route it to the primary station entry point;
- (n) The primary station will put the message out over every monitoring station by voice and crawl at the bottom of the TV screen;
- (o) Broadcasters will repeat the information in the form of regularly scheduled news reports;
- (p) The Oregon State Police will notify the Oregon Department of Transportation to post the message on Variable Message Signs;
- (q) The Public Information Officer, Division Commander or Investigation Unit will prepare an initial press release that includes all available information which might aid in locating the child, such as:
 - (a) The suspect's identity, age physical and clothing description, if known

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- (b) Pertinent vehicle license number and description if known
- (c) Detail regarding location of incident, direction of travel, potential destinations, etc., if known
- (d) A telephone number for the public to call in with leads/information
- (e) Fax the press release to the local television and radio stations and to the Oregon State Police for activation of the Emergency Alert System
- (r) At least two detectives (MADIU) should be assigned to screen and assign leads received at the tip center;
- (s) Information on the abducted child, suspect vehicle and suspect should be entered into LEDS and NCIC as soon as feasible. The abducted child should be entered as an "abducted child" in order to trigger resources of the National Center for Missing and Exploited Children (NCMEC) and the FBI;
- (t) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:
 - (a) Federal Bureau of Investigation (FBI Local Office)
 - (b) National Center for Missing and Exploited Children (800) 843-5678

The supervisor of the unit investigating the abduction, or other individual responsible for making notifications, shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the abducted child. The Northern Command Center (NCC) needs to be contacted immediately upon locating the abducted child, in order to coordinate the cancellation of the issued Amber Alert.

316.5 PREPARATION

This department is registered on the AMBER Alert Web Portal at www.oregonamberalert.com and will receive information on any AMBER Alerts in the area.

The Ashland Police Department will ensure all personnel are trained on AMBER Alert criteria and the process to activate an AMBER Alert.

Victim and Witness Assistance

317.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

317.1.1 VICTIM COMPENSATION PROGRAM

Victims of compensable crimes, or if deceased, their survivors or dependents, and certain other eligible parties defined in Oregon Revised Statutes 147.025, who suffer compensable losses, may be eligible for compensation from the Oregon Department of Justice.

317.2 POLICY

The Ashland Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Ashland Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

317.2.1 VICTIM DEFINED

Victim - is a person who:

- (a) Is killed or injured in Oregon, as a result of a compensable crime perpetrated or attempted against that person
- (b) Is killed or injured in Oregon, while attempting to assist a person against whom a compensable crime is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person in the same or similar circumstances
- (c) Is killed or injured in Oregon, while assisting a law enforcement official to apprehend a person who has perpetrated a crime or to prevent the perpetration of any such crime, if that assistance was in response to the express request of the law enforcement official
- (d) Is killed or injured in another state, as a result of a criminal episode that began in Oregon
- (e) Is an Oregon resident killed or injured as a result of a compensable crime perpetrated or attempted against the person in a state, within the United States, without a reciprocal crime victims' compensation program
- (f) Is an Oregon resident killed or injured by an act of international terrorism committed outside the United States
- (g) Is a relative of the corpse, or the corpse itself, if the crime is abuse of a corpse in any degree

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317.2.2 COMPENSABLE CRIME DEFINED

Compensable Crime - is the abuse of a corpse in any degree or an intentional, knowing, or reckless act that results in serious bodily injury or death of another person and which, if committed by a person of full legal capacity, would be punishable as a crime in Oregon.

317.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the [Department/Office] 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 Ashland Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

317.3.1 REPORTING OFFICER RESPONSIBILITY

It shall be the primary responsibility of the reporting officer to make the required advisement as set forth in this policy. The officer shall not attempt advisement when the circumstances are such that the advisement would add to the grief and suffering of victim or dependent. Such advisement shall be made at a time and place where the victim is able to understand and appreciate its meaning.

317.3.2 DETECTIVE RESPONSIBILITY

In the event the victim cannot be identified or due to the nature of the injury cannot be advised, the investigating officer who later contacts or identifies the victim and/or dependents shall make the necessary advisement. The investigating officer shall use discretion and tact in making such advisement.

317.3.3 SUPERVISOR RESPONSIBILITY

It is the responsibility of any supervisor approving a written report where the victim of a crime has sustained injury to ensure that information is included to document the proper advisement being made or the fact that such advisement could not be accomplished. The Investigation Unit Supervisor is then responsible to ensure that the proper advisement is accomplished and properly documented as the follow-up investigation is conducted.

317.3.4 VICTIM INFORMATION AND NOTIFICATION

When appropriate, officers should advise the victim of the availability of the Victim Information and Notification Everyday (VINE) program. VINE is a free, computer-based telephone service that allows victims to check on an offender's custody status and register to receive automatic notification when an inmate is released from jail. The contact phone number for VINE is printed on the Ashland Police Department Victim Information card.

317.3.5 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).

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- (b) Sexual assault investigations (ORS 181A.325):
 - (a) Receiving and responding to all inquiries concerning sexual assault kits.
 - (b) 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.
 - (c) Acting as liaison with the Oregon State Police (OSP) regarding submitted kits.
 - (d) Allowing a sexual assault victim to provide written authorization for a designee to access information on the victim's behalf.
 - (e) Upon request, provide victim with assistance in the creation of a sexual assault report associated with the sexual assault kit.

317.4 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/office] material or available victim resources.

317.4.1 VICTIM PERSONAL REPRESENTATIVE

Victims of a person crime, as defined in ORS 147.425, have the right to select a person, 18 years of age or older, to be the victim's personal representative to accompany the victim during phases of an investigation, including medical examinations. The personal representative may only be excluded if there is a belief that the representative would compromise the process (ORS 147.425).

317.5 VICTIM INFORMATION

The Support Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims, including domestic violence and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime.

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- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U visa and T visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the officer's name, badge number, and any applicable case or incident number.
- (j) A statement of legal rights and remedies available to victims of abuse, as required by ORS 133.055.
- (k) Information about the Address Confidentiality Program. This program is from the Oregon Department of Justice, Crime Victims and Survivor Services Division for victims of domestic violence, sexual offenses, stalking, or human trafficking (ORS 192.826).
- (l) Oregon Crime Victim Bill of Rights (ORS 147.417).
- (m) Information for victims of sexual assault that includes but is not limited to (ORS 181A.325).
 - 1. Contact information for the crime victim liaison for victims of sexual assault.
 - 2. Notice that victims may request and receive information concerning sexual assault kits if providing the information would not interfere with the investigation.

317.6 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

318.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this [department/office] with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

318.1.1 DEFINITIONS

Definitions related to this policy include:

Hate crime - A bias crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim (ORS 166.155; ORS 166.165).

318.2 CRIMINAL STATUTES

- (a) Harassment (ORS 166.065)
- (b) Intimidation in the Second Degree (ORS 166.155)
- (c) Intimidation in the First Degree (ORS 166.165)
- (d) Menacing (ORS 163.190)
- (e) Any degree of Assault (ORS 163.160 to ORS 163.185)
- (f) Recklessly Endangering (ORS 163.195)
- (g) Hazing (ORS 163.197)
- (h) Unlawful use of a stun gun, tear gas or mace (ORS 163.212 and ORS 163.213)
- (i) Kidnapping (ORS 163.215 to ORS 163.235)
- (j) Coercion (ORS 163.275)
- (k) Any sex offense (ORS 163.355 to ORS 163.427)
- (l) Stalking (ORS 163.732)
- (m) Any degree of Robbery (ORS 164.395 to ORS 164.415)

Federal law also prohibits discrimination-based acts and may be considered in addition to or in lieu of state law, depending on circumstances (18 USC § 245).

318.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this [department/office] 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.

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- (b) Providing victim assistance and community follow-up or identifying available resources to do so.
- (c) Educating community and civic groups about hate crime laws.

318.4 INVESTIGATIONS

Whenever any member of this [department/office] 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.
- (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."

318.4.1 INVESTIGATION UNIT RESPONSIBILITIES

If a hate crime case is assigned to the Investigation Unit, 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.

318.5 TRAINING

All members of this [department/office] should receive training on hate crime recognition and investigation.

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318.6 POLICY

The Ashland 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.

Standards of Conduct

319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Ashland Police Department and are expected of all [department/office] 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/office] or a member's supervisors.

319.2 DISCIPLINE POLICY

The continued employment or appointment of every member of the Ashland 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.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

319.2.1 DUE PROCESS

No disciplinary action shall be taken against an employee without just cause.

Prior to taking disciplinary action against an employee a supervisor shall:

- (a) Notify the employee in writing of the charges and the proposed disciplinary action; and
- (b) Provide the employee with an opportunity to respond to the charges at an informal hearing which may be recorded with the person or persons having authority to impose the proposed disciplinary action.

319.2.2 PROGRESSIVE DISCIPLINE

The administration of discipline is generally expected to be progressive in nature, with relatively minor violations of rules resulting in minor disciplinary action for first offenders. Repetitive similar violations, or more serious violations, would generally result in progressively more serious forms of discipline being administered.

Nothing in this policy is intended to preclude the administration of more serious forms of discipline, including termination, for a first offense if the seriousness of the offense warrants it.

319.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any [department/office] supervisor or person in a position of authority, absent a reasonable and bona fide justification.

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319.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or [department/office] 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/office] 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.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

319.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to 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.

319.3.3 DISCRIMINATION

- (a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity, national origin, ancestry, marital status, physical or mental disability or medical condition.

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319.3.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties unless approved by the Division Commander or Chief.
- (d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site.

319.3.5 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Refusal, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing or attempting to conceal defective work, removing or destroying it without permission.
- (e) Disobedience or insubordination to constituted authorities or deliberate refusal to carry out any proper order from any supervisor or employee.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.

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- (i) The falsification of records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.
- (k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.
- (n) Work related dishonesty, including attempted or actual theft of department property, services or the property of others.
- (o) Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship whether on- or off-duty.
- (p) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form.
- (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.
- (r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known 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 the Department.
- (s) Offer or acceptance of a bribe or gratuity.
- (t) Misappropriation or misuse of public funds
- (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (v) Unlawful gambling or unlawful betting at any time or any place.
- (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should

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have knowledge of such criminal activities, except where specifically directed and authorized by the Department.

- (x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.
- (y) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.
- (z) Violating any misdemeanor or felony statute.
- (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.
- (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ac) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid).
- (ad) False or misleading statements to a supervisor.

319.3.6 SAFETY

- (a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Violating departmental safety standards or safe working practices.

319.3.7 SECURITY

- (a) Unauthorized, intentional release, alteration or removal of designated confidential information, materials, data, forms or reports

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319.3.8 SUPERVISION RESPONSIBILITY

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.
- (b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

319.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Oregon constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

319.5 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/office] service.

319.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in [department/office] or City manuals.
- (b) Disobedience of any legal directive or order issued by any [department/office] member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

319.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Ashland Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-[department/office] business or activity.

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- (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/office] and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

319.6 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:

- (a) This 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 cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation 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 issue(s) of information raised in any subsequent materials.
- (f) Once the employee has completed his/her response or, if the employee 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 thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason(s) for termination and the process to receive all remaining fringe and retirement benefits.
- (g) Once the Chief of Police has issued a written decision, the discipline shall become effective.

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319.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

319.8 POST RESPONSE PROCEDURE

In situations resulting in the imposition of a suspension without pay, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the imposition of discipline by the Chief of Police pursuant to the operative Collective Bargaining Agreement and personnel rules.

Information Technology Use

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Ashland 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.

320.2 POLICY

It is the policy of the Ashland 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.

320.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

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.

320.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Division Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

320.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

320.4.2 HARDWARE

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

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320.4.3 INTERNET USE

Use of the City's computer system shall be for the purpose of delivering City services and shall be professional and business-like in nature. Limited personal use is allowed provided that it meets the guidelines set forth in the City of Ashland's Electronic Media and Technology Usage Policy (2006.10.19) 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.

320.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

320.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

320.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

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Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

Report Preparation

321.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

321.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

321.2 REQUIRED REPORTING

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

321.2.1 CRIMINAL ACTIVITY 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
 - 2. Domestic Violence Policy
 - 3. Child Abuse Policy
 - 4. Adult Abuse Policy

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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 CAD report).

321.2.2 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

321.2.3 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
- (c) Homicide or suspected homicide
- (d) Unattended deaths (No physician or qualified hospice care during the period immediately preceding death)

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- (e) Found dead bodies or body parts

321.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

321.2.5 MISCELLANEOUS INJURIES

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

- (a) The injury is a result of 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.

321.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

321.4 TIMELY SUBMISSION OF REPORTS

Officers shall submit reports based on the following table unless a supervisor authorizes a later submittal date.

321.4.1 REPORTS DUE BY END OF SHIFT

- Major Cases
 - Sex Crimes
 - Child Abuse
- Pursuits
- Use of Force
- Worker's Complainant Claims
- Adult Lodgings
- Juvenile Arrests
- Police Mental Health Holds
- Out of State Fugitive Warrant Arrests

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- Any LEDS/NCIC Entries

321.4.2 REPORTS DUE WITHIN 24 HOURS

- Adult Cite and Release
- Detox
- Warrants
- Mental Health Hold – Self-committal

321.4.3 REPORTS DUE BEFORE SECURING FOR THE WEEKEND

- Old/cold cases with no suspects

Officers shall not hold reports until the completion of the entire investigation but shall complete and submit reports as the investigation progresses and information is developed. Supervisors will ensure the timely completion and submittal of reports and routinely audit the pending file. Reports submitted late due to inattention constitutes grounds for disciplinary action.

321.4.4 SUPERVISOR REVIEW

All reports will be reviewed by a shift supervisor (Sgt.) or their designee (OIC). No report is considered a police department record until approved and accepted. Officers will be asked to elaborate or to revise reports when found to be inadequate or incomplete. Upon approval from the shift supervisor the report will be forwarded to records. If a supervisor finds an incident which requires a report, and a report was not completed, the supervisor shall direct the officer that responded to the incident to complete a report.

It is the responsibility of the Administrative Services Manager to review cases that remain “open” (follow up) which are being investigated by officers on their shift. The supervisor will review these cases once a month to determine the appropriateness of the status. The supervisor may choose to review the cases with the officers and suggest a course of action or grant extensions as necessary.

321.5 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 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.

321.6 REPORT CHANGES OR ALTERATIONS

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

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321.7 ELECTRONIC SIGNATURES

The Ashland Police Department has established an electronic signature procedure for use by all employees of the Ashland Police Department. The Operations Division Commander shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

NON-PRIORITY CASE WRITING PROCEDURES

322.1 PURPOSE AND SCOPE

The purpose is to modify the report writing procedures to allow Ashland Police Officers more efficient ways to handle certain cases that do not have any workable suspects or leads (i.e. cold cases).

The changes in the report writing procedures are in no way an effort to reduce the information taken during an initial call for service or in any way an effort to reduce investigations on cases that do have workable information, suspects or leads.

322.2 LARCENY/THEFT/UEMV

Officers shall use the CAD incident report note insertion feature to insert into the CAD history all information that dispatch has not entered at the time of the call for service. The minimum required information that needs to be included by the case officer in the CAD history on a cold larceny case will be as follows:

1. The complete name, date of birth, sex and race of the victim or complainant.
2. An address for the victim or complainant if different than CAD.
3. A phone number if available for the victim or complainant if different than CAD.
4. A description of the item that was stolen and an approximate value.
5. The time frame in which the item was taken.
6. Location of occurrence if different than CAD.
7. If there is a serial number available, have the victim sign the form and turn it in with the CAD printout.

322.2.1 PROCEDURE

1. A case will be pulled and the above mandatory information will be entered by the case officer into the CAD history and the case will be cleared RTF.
2. The case officer will print out CAD history and place it into a case folder and submit for approval.

322.2.2 SITUATIONS WHERE THE CASE WILL BE WRITTEN IN THE TRADITIONAL ARS REPORT FORMAT

1. If there are suspects or leads that need to be followed up on.
2. If there is an arrest made on the case for more than a Municipal code violation.
3. Total value of item(s) exceeds \$1000.00.
4. Any case that is a residential or commercial burglary.
5. At officer discretion or request of a supervisor that a full ARS report be completed.

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NON-PRIORITY CASE WRITING PROCEDURES

322.3 PART II CRIMES (VANDALISM/GRAFFITI/HIT AND RUN)

Officers shall use the CAD incident report note insertion feature to insert into the CAD history all information that dispatch has not entered at the time of the call for service. The minimum required information that needs to be included by the case officer in the CAD history on a cold vandalism case will be as follows:

1. The name of victim or complainant.
2. A description of the item that was damaged and an approximate repair cost.
3. Location of occurrence if different than CAD.

322.3.1 PROCEDURE

1. An incident or "J" number will be pulled and the above information will be entered by the case officer into the CAD history.
2. The case officer on graffiti cases will print out CAD history and forward it to the CSO with a picture of the damage if available. The picture will also be placed into the evidence folder on the G drive using the full incident number.

322.3.2 SITUATIONS WHERE THE CASE WILL HAVE TO BE WRITTEN IN THE TRADITIONAL ARS FORMAT

1. If there are suspects or leads that need to be followed up on.
2. If there is an arrest made.
3. Vandalism or graffiti cases where the damage is over \$1000.00.
4. A hit and run that meets any of the criteria for completing a traffic accident investigation under section 501 Traffic Collision Reporting of this order.
5. At officer discretion or request of a supervisor that a full ARS report be completed.

322.4 MUNICIPAL CODE VIOLATIONS/MIP ALCOHOL/TOBACCO/PCS LESS THAN AN OUNCE OF MARIJUANA

When an officer fills out a citation for Municipal court violation(s), MIP Alcohol/Tobacco or PCS less than 1oz marijuana, a case number will be pulled, the citation will be turned in with the incident history that has complete information in the memo field and placed in a clear sleeve for approval. Any case where evidence is seized, a property sheet will be filled out using the case number.

322.5 MOTOR VEHICLE CRASHES

Officers will be required to write a DMV Crash report for all collisions on roadways or highways.

Refer to the Traffic Collision Reporting policy.

322.5.1 PROCEDURE

If the crash does not meet the above criteria then the officer will not pull a case number and will notate in CAD if information was exchanged.

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NON-PRIORITY CASE WRITING PROCEDURES

322.6 ABANDONED VEHICLES/IMPOUNDED VEHICLES

Officers will only be required to pull a case and write an ARS report if the vehicle is towed.

While investigating abandoned vehicles the officer can reference a "J" number so no case number is pulled. Once the decision has been made to impound an abandoned vehicle a case number shall be pulled referencing the initial "J" number.

322.7 SOU CASES

Officers shall write a full ARS report in any of the following situations. If the following situations are not met SOU will drop off reports to Records to be processed.

1. If there are suspects or leads.
2. If there is an arrest made.
3. If an officer would be required to write a full investigative report under other sections of this order.

322.8 FOUND PROPERTY/SEIZED PROPERTY

When found or seized property with no citation issued is turned in or located by an officer, a case will be pulled, a property sheet will be filled out, the incident history will be printed, they will all be placed in a clear sleeve and turned into a records clerk for processing.

322.9 ANIMAL REPORTS

"J" numbers only are used for dogs transported to the animal shelter.

Case numbers are only pulled if someone is cited. If a citation is issued, a case number must be pulled. The incident history should be printed and placed in a clear sleeve along with the citation for records to enter. Vicious dog and dog bite reports are entered by the officer.

322.10 TRESPASS AFFIDAVIT AND INDIVIDUAL NOTICES

Trespass Affidavit for Business or Commercial Property Form

This form is currently located on the G Drive under G:/Police/Share/Forms/MS Word Templates (APD Trespass Affidavit). Any time we have a request by a business or property owner to enforce trespassing laws, have the business fill out this form. Turn in the form to your Sergeant/OIC like any other report (no case number required). The Sergeant/OIC will note the form in the Watch Commander's log and Records will scan this form into Laserfiche and add a flag to ARS. E-mail requests for Trespass entries will no longer be accepted.

When you are in the field, you can request dispatch to perform a 'location search' by address and a flag will show that the Trespass Notice is on file. We will only keep these Affidavits active for one year. Officers can go into ARS under Location Search and to see if there is a trespass notice on file. Records will not enter Flags into ARS without the form filled out.

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NON-PRIORITY CASE WRITING PROCEDURES

Trespass Affidavits are not required to enforce trespassing laws. If an officer has probable cause to believe someone is trespassing based on the reasonable person standard, law enforcement action can be taken even if the owner of the property cannot be contacted. The Affidavits help strengthen our probable cause to arrest and reduce liability issues.

Individual Trespass Notice - Records Entry Request Form

This form is currently located on the G Drive under G:/Police/Share/Forms/MS Word Templates (APD Trespass Individual). Anytime you advise a person that they are trespassing either by verbal warning, written notice or if you take law enforcement action, this form is to be filled out.

The form does not need to be carried with you in the field. Simply note the person's information, the location, and the date and time that you advised the subject of the trespass. The Trespass Notice form can be filled out later in your shift. Turn in the completed form to your Sergeant/OIC to be forwarded to the Records Division for entry.

When you are in the field, you can request dispatch to perform a 'name scan' and a flag will show all the trespass notices the subject has been given. The ARS flag will note if the warning was given as a verbal warning by an officer, a verbal warning by a property owner, or a written notice.

If the subject has been previously trespass from the property or numerous other properties, this will help you with your discretionary decision to take enforcement action.

News Media Relations

323.1 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.

323.2 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, the Division Commanders are designated Press Information Officer(s) who may prepare and release information to the media in accordance with this policy and the applicable law.

323.2.1 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.

323.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) Members of the media may be given access to crime scenes, disaster areas or other law enforcement operations pursuant to the directive of the supervisor in charge of the scene. However, no access will be allowed that might hinder the law enforcement response to the situation or compromises the integrity of the investigation or other emergency services' efforts.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

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News Media Relations

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 be coordinated through the department Press Information Officer or other designated spokesperson.
 2. Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for TFRs should be routed through the Division Commander. The TFR should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).
- (c) No member of this department who is under investigation shall 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.

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 Press Information Officer.

323.3.1 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.

323.3.2 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 Division

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Commander. 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).

323.4 INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives. This log will generally contain the following information:

- (a) The date, time, approximate location, case number, type of crime, 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, approximate location, case number, name, date of birth or age 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 approximate location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Information pertaining to a juvenile arrestee, victim, or witness shall only be released as articulated in the Records Maintenance and Release Policy.

Identifying information concerning victims of sex crimes shall not be included in the log.

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 Division Commander. Such requests will generally be processed in accordance with the provisions of this policy.

323.4.1 SCOPE OF INFORMATION SUBJECT TO RELEASE

The release and inspection of public records is controlled by the Records Maintenance and Release Policy and ORS 192.410 through ORS 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. Once the clear need to delay release is no longer present, the following information must be released.

For purposes of this subsection, the record of an arrest or the report of a crime includes:

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- (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.
- (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.

323.4.2 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. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) Restricted information is outlined in detail in the Records Maintenance and Release and the Protected Information policies.
- (b) Any specific operational or contingency plans in connection with an anticipated threat to individual or public safety for deployment and use of personnel and equipment prepared or used by a public body, if public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a law enforcement activity (ORS 192.501(18)).
- (c) Criminal history information.
- (d) Information pertaining to pending litigation involving this department.
- (e) Information obtained in confidence.
- (f) Any information that is otherwise privileged or restricted under state or federal law.
- (g) Confidential peace officer personnel information (see the Personnel Files Policy).
 - 1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act (ORS 192.502).
- (h) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

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- (i) Investigative information other than as listed above, without the expressed authorization of the Detective Supervisor in charge of an investigation.

Court Appearance and Subpoenas

324.1 PURPOSE AND SCOPE

This procedure has been established in compliance with Oregon Revised Statutes 136.595 to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

324.1.1 DEFINITIONS

On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

324.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

324.2.1 SERVICE OF SUBPOENA

Generally, a subpoena is served by delivering a copy to the witness personally. Proof of service is made in the same manner as in the service of a summons.

- (a) In accordance with ORS 136.595(2) and ORCP 55, this department shall accept subpoenas on behalf of currently employed peace officers who are within the state at the time of service, provided the following conditions are met:
 1. The peace officer's attendance at trial is related to work he/she performed in the course of employment as a peace officer.
 2. The subpoena is delivered to the Records Supervisor or to the Division Commander at least 10 days prior to the appearance date shown on the subpoena.

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- (b) The subpoena clerk shall make a good faith effort to notify the subpoenaed employee of the date, time and location of the court appearance. If the employee cannot be notified, the subpoena clerk will contact the court and advise them of the inability to contact the employee.

324.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

324.2.3 ACCEPTANCE OF SUBPOENA

- (a) Only the employee named in a subpoena, his/her immediate supervisor or the department subpoena clerk shall be authorized to accept service of a subpoena. Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department subpoena clerk. The subpoena clerk shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee.
- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.

324.2.4 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24-hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby is not at their residence, is unable to answer the documented phone number, or changes his/her location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

324.2.5 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with the Ashland Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

324.2.6 FAILURE TO APPEAR OR REFUSAL

Any employee who fails to accept or comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

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324.3 CIVIL SUBPOENAS

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding. In such situations, the Department will also reimburse any officer for reasonable and necessary travel expenses.

The Department will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

324.3.1 PROCEDURE

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

324.3.2 CIVIL SUBPOENA ACCEPTANCE

Subpoenas shall not be accepted in a civil action in which the officer or Department is not a party without properly posted fees pursuant to Oregon Revised Code of Procedure 55 D(1).

324.3.3 PARTY MUST DEPOSIT FUNDS

The party in the civil action who seeks to subpoena an officer must deposit the statutory witness fees and mileage for each appearance before such subpoena will be accepted. Parties seeking to have the officer make multiple appearances must make an additional deposit in advance.

324.4 OVERTIME APPEARANCES

If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Collective Bargaining Agreement.

The overtime on such appearance will be paid from the time the officer left his/her residence until he/she returned.

324.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

324.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

324.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

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324.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

324.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member of this department who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of Oregon, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding.
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees.
- (c) Providing testimony or information on behalf of or at the request of any party other than any county, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

324.8 SIMULTANEOUS VIDEO GRAND JURY TESTIMONY

Under Oregon Revised Statute 132.320(5), "a grand jury may receive testimony of a witness by means of simultaneous television transmission...", however the statute gives no other guidance.

This policy is meant to set the expectations and standards for when the Jackson County District Attorney's (JCDA) Office will offer the option of simultaneous video testimony to the grand jury.

The JCDA's Office prefers that testimony to the Grand Jury occur in person, but acknowledges that due to scheduling conflicts, police agency staffing and training issues, and other extenuating circumstances that simultaneous video testimony is a viable option. It is the policy of the JCDA Office that case agents in Measure 11 and domestic violence cases **must** appear in person to testify to the grand jury. Secondary officers in those cases can appear if necessary by simultaneous video. In other cases involving a victim, who is scheduled to appear at grand jury, it is the **preference** of the JCDA's Office that case agents make every attempt to appear in person before requesting simultaneous video testimony.

324.9 SIMULTANEOUS VIDEO OPTIONS

For simultaneous video testimony the JCDA's Office offers two options. The preferred option is Apple Facetime and requires the person testifying to have an Apple Device, while the secondary option is Skype, which requires the person testifying to have access to a Skype account. If an

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officer/witness requires simultaneous video testimony the officer/witness (or agency on behalf of the officer/witness) must contact the JCDA Office Grand Jury Clerk who is assigned to that specific day of grand jury at least one day in advance. When contacting this clerk the officer/witness must provide the phone number that the Facetime will occur on, or the Skype address that will be used.

The officer/witness will be contacted by the JCDA Office on Facetime or Skype at or as near as possible to the time their case is scheduled for Grand Jury, and should remain available for 10-20 minutes after testifying in the event the Grand Jury has clarifying questions after other witnesses testify.

324.10 SIMULTANEOUS VIDEO PROTOCOL AND ATTIRE

When using simultaneous video for grand jury testimony the officer/witness must use the Ashland Police Department conference room. During the testimony no kids, pets, or other adults can be present. The officer must present in a professional manner and be dressed in a department uniform or business attire.

Any deviations to the simultaneous video protocol will be approved by the Patrol Lieutenant or the Deputy Chief.

Court Referral for Arrests/Citations

325.1 PURPOSE AND SCOPE

The purpose is to establish a uniform policy regarding the citing, review and processing of arrest/citations to Municipal Court, Circuit Court and Jackson County District Attorney's Office.

The Ashland Police Department will refer all citations and arrest reports to the appropriate agency.

325.2 CASES REFERRED TO JACKSON COUNTY DISTRICT ATTORNEY

The following cases will be referred to the Jackson County District Attorney's Office for prosecution:

1. Driving While Under the Influence of Intoxicants
2. Negotiating a Bad Check
3. Sexual Abuse
4. Assault Fourth Degree/Harassment
5. Felony Hit and Run
6. Any misdemeanor which also has a felony charge as part of the same transaction
7. Any Felony
8. Theft II and Theft III when the defendant is cited for multiple offenses
9. Offenses committed by an elected City Official or Department Head.

325.3 CASES REFERRED TO MUNICIPAL COURT

All violations and misdemeanors that take place within the city limits of Ashland shall be cited into Municipal Court, unless specified above including but not limited to:

1. Criminal Trespass
2. Disorderly Conduct
3. Criminal Mischief
4. Theft II and Theft III when defendant is cited for a single offense
5. Reckless Driving
6. Misdemeanor Attempt to Elude a Police Officer
7. Misdemeanor Hit and Run
8. Misdemeanor Driving While Suspended
9. All traffic violation citations issued outside the city limits of Ashland will be sent to the Jackson County Justice Court.

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Court Referral for Arrests/Citations

325.4 REVIEW OF CASES

All cases referred to the District Attorney must be reviewed by the supervisor prior to being submitted.

Cases being sent to Municipal Court where a legal opinion is desired shall be submitted to the supervisor to decide the merits of the case. If a legal opinion is needed for these cases, the services of the City Attorney shall be used.

Reserve Officers

326.1 PURPOSE AND SCOPE

The Ashland 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. Nothing in this policy obligates the Ashland Police Department to maintain, expand or restrict the reserve officer program in any way. The extent to which the program is used and the number of reserve officers allowed to serve is at the discretion of the Chief of Police.

326.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Ashland 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.

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 Chief of Police and take an oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

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.

326.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g. a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30). The decision to allow an employee of the department to act as a Reserve Officer shall rest with the Chief of Police or his/her designee exclusively and without appeal.

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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 Operations Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 20 hours per month while in training. Reserve officers off of training are encouraged to work a minimum of 96 hours annually.

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.

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 FIELD TRAINING

The field training program shall consist of the completion of Four training phases to be completed under the supervision of the Reserve Coordinator, with the assistance of Police Training Officers (PTOs), as assigned by the department. During the field training period the reserve officer must complete the standard DPSST Field Training Manual as described in the Field Training Manual section of this policy.

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Reserve Officers

326.4.1 TRAINING OFFICERS

Police Training Officers (PTOs) will be utilized to train reserve officers. Non-probationary Police Officers may be used to assist the PTOs in the training of Reserve Officers with the approval of the Reserve Coordinator and the Division Commander.

326.4.2 TRAINING OFFICER

Upon completion of the Academy, reserve officers will be assigned a Police Training Officer (PTO). The PTO will be selected by the Reserve Coordinator from members of the Police Training Officer (PTO) pool. The reserve officer will be assigned to work with his/her PTO during the first 120 hours of training. This time shall be known as Training Phase A.

326.4.3 FIELD TRAINING MANUAL

Each new reserve officer will be issued a DPSST Field Training Manual at the beginning of his/her training. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Ashland Police Department. Each section of the manual must be signed-off by the Police Training Officer (PTO) after observing the performance. The completed manual will be submitted to the department Division Commander and it shall become part of the reserve officer's training file. The reserve officer shall become knowledgeable of the subject matter as outlined and proficient with those skills as set forth in the manual.

326.4.4 COMPLETION OF TRAINING PHASE A

At the completion of the first training phase, (Phase A) the PTO will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training. Training phase A consists of 120 training hours.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase B of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

326.4.5 COMPLETION OF TRAINING PHASE B

Training phase B shall consist of 120 hours of training. The reserve officer will be required to ride with a different PTO and is encouraged to switch to a different shift as well.

During phase B of training, as with phase A, the reserve officer's performance will be closely monitored. In addition, progress should continue towards the completion of the Officer's Field Training Manual. At the completion of phase B of training, the reserve officer will be required to take a Mid-term examination which consists of 40 hours riding with a PTO allowing the reserve officer to demonstrate what they have learned during training phases A and B. After successful completion of the Mid-term examination the reserve officer will continue on to phases C and D of the training program.

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326.4.6 COMPLETION OF TRAINING PHASE C

Phase C of training shall consist of 120 hours of training. For this training phase all attempts will be made to assign the reserve officer to a different PTO. In the event that no new PTOs are available, the reserve officer should assigned back to his/hers phase A PTO.

During the completion of Phase C the reserve officer will continue to be evaluated. If the reserve officer has progressed satisfactorily, he/she will then move on to phase D of the training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

326.4.7 COMPLETION OF PHASE D AND THE TRAINING PROCESS

Phase D of the training shall consist of 120 hour of training. For this training phase all attempts will be made to assign the reserve officer to a different PTO. In the event that no new PTOs are available, the reserve officer should assigned back to his/hers phase B PTO. When a reserve officer has satisfactorily completed all four phases of formal training, he/she will have to complete a final examination which consists of 40 hours riding with a PTO. This final examination allows the reserve officer to demonstrate what they have learned during all four training phases. For consistency purposes, efforts will be made to use the same PTO for the final evaluation that was used during the Mid-term evaluation. After satisfactory completion of all four training phases, the final examination and the DPSST Training Manual the reserve officer's training files will be forwarded to the Division Commander and Chief of Police for review. After the approval of the Chief of Police and the Division Commander the reserve officer will be allowed to ride with any non-probationary police officer.

326.5 SUPERVISION OF RESERVE OFFICERS

Reserve officer should be under the immediate supervision of a regular sworn officer. These provisions shall continue to apply unless special authorization is received which relieves the immediate supervision requirement.

326.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve officers may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the "immediate supervision" requirement. Reserve officers may function under this authorization only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the Watch Commander may assign a reserve officer to function as above for specific purposes and duration.

326.5.2 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

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326.5.3 IDENTIFICATION OF RESERVE OFFICERS

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

326.5.4 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

326.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Operations Division Commander.

Reserve officers are considered at-will employees.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

326.5.6 RESERVE OFFICER EVALUATIONS

While in training reserve officers will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve officer.

326.6 FIREARMS REQUIREMENTS

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

326.6.1 CARRYING WEAPON ON DUTY

It is the policy of this department to allow reserve officers to carry firearms only while on duty or to and from duty.

326.6.2 IN-SERVICE TRAINING

Reserve officers are encouraged to attend all in-service training offered to regular officers. Reserve officers are required to attend classes designated as mandatory either at one of the regular in-service sessions or one scheduled specifically for reserves.

326.6.3 CONCEALED FIREARMS PROHIBITED

No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

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Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

326.6.4 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, with the following exceptions:

- (a) All reserve officers are required to qualify at least annually.

326.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

Mutual Aid and Outside Agency Assistance

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

327.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are routed to the Division Commander's office for approval. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other jurisdictions.

When such assistance is rendered, a case number will be issued to report action taken by Ashland Police Department Personnel. Probation violators temporarily detained by this department will not ordinarily be booked at the county jail.

327.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

Sexual Assault Response

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper response to reports of sexual assault.

The psychological crisis often experienced by assault victims requires special, continuing emotional support and guidance. The psychological needs of the victim will be considered in order to reduce or avoid post assault trauma. Law enforcement officers will reasonably assist all victims of sexual assault with obtaining medical and advocacy resources.

Increased reporting of sexual assaults by victims allows law enforcement the opportunity to identify and prosecute sexual predators. Information obtained may be utilized in other criminal investigations and should be documented even in circumstances where a victim does not want to proceed with charges against his/her attacker.

Many sexual predators are serial offenders. Utilizing methods that are victim-centered and offender-focused allows for increased identification and apprehension of sexual offenders thereby preventing further victimization. Reports of victimization outside the current statute of limitations for sexual assault offenses should still be investigated in order to identify sexual offenders and utilize the information gained in prosecutions that are still viable.

328.1.1 POLICY

It is the policy of the Ashland Police Department to take a victim-centered and offender-focused approach when responding to victims who are reporting a sexual assault and conducting sexual assault investigations. This includes, but is not limited to:

- Providing a safe environment for sexual assault reporting where all reporting parties are given options, not advice or ultimatums.
- Treating all victims with care and compassion.
- Allowing a victim to control how much, or how little they participate in the investigative process.
- Providing all victims with a clear understanding of what options are available to them.
- Not pressuring any victim to participate with the investigative process. Victims are given the time they need to make the decision that is right for them.
- Taking a report and, at the request of a victim, investigating the report even if the victim does not want to follow through with prosecution. The decision to not prosecute a case should not limit the amount of investigative resources available to a victim.
- Documenting, and when appropriate investigating, a report even if the offense occurred outside the current statute of limitations.

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Sexual Assault Response

- Documenting, and when appropriate investigating, reports of sexual assault made by persons other than the victim.
- Providing all victims with resources for advocacy and medical care.
- Except in rare circumstances or as otherwise required by law:
 - (a) The victim controls who is contacted during an investigation.
 - (b) No person is told about the report until a victim is ready for that information to be known.
 - (c) No arrest is made until a victim is ready to proceed with charges.
 - (d) Investigation can be tailored to fit a victim's individual needs and circumstance.
 - (e) Victim can disengage from the investigation at any time prior to the case being sent to the District Attorney's Office or an arrest being made.
- In the event the crime occurred outside the City of Ashland the officer should take an initial report or contact the responsible agency and have them respond to contact the victim. All reasonable efforts should be made to avoid only referring a victim to another agencies jurisdiction without providing an explanation about why we cannot take the case. Reasonable efforts should be made to assist the reporting party in making the report with the appropriate agency.
- The investigating officer or detective will be nonjudgmental and avoid actions and words that convey blame, aggression or force.
- The investigating officer or detective will allow a victim to choose the location at which they report if it is determined to be safe and reasonable.
- Investigations will attempt to determine how an offender made a victim vulnerable, accessible and appear to lack credibility.
- Investigations will attempt to determine if other victims exist in our community or other communities where the offender resided or was known to have passed through.
- Investigations will not rely only on a victim's and suspect's statement. Reasonable attempts will be made to obtain as much corroborative evidence as is available.

Nothing in this practice should prevent officers from responding to acute or in progress situations that may need immediate enforcement action.

Registered Offender Information

329.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Ashland Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the [Department/Office] will disseminate information and respond to public inquiries for information about registered sex offenders.

329.2 POLICY

It is the policy of the Ashland 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.

329.2.1 SEX OFFENDERS REQUIRED TO REGISTER

Sex Offenders who have been convicted of committing or attempting to commit, or been found guilty except for insanity, of a sex crime as defined in ORS 181.594(5) are required to report and be registered as a sex offender under ORS 181.595-181.597 (Oregon Administrative Rules 257-070-0015(2)).

329.2.2 PREDATORY SEX OFFENDERS

Predatory sex offenders are those persons who have been convicted of committing or attempting to commit, or been found guilty except for insanity, of a sex crime as defined in ORS 181.594(5)(a) to (d), and exhibit characteristics showing a tendency to victimize or injure others. In determining whether a person is a predatory sex offender an agency shall use a sex offender risk assessment scale approved by the Department of Corrections or a Community Correction Agency. Predatory sex offenders are also required to register.

329.2.3 JUVENILE SEX OFFENDERS

Juvenile sex offenders are those persons who are under the supervision of the Oregon Youth Authority or a county juvenile department for having committed an act that if committed by an adult would constitute a sex crime, and who are required to report and register under Oregon Revised Statutes 181.595, 181.596 or 181.597.

329.3 REGISTRATION

The Investigation Unit 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).

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Registered Offender Information

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.

329.3.1 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.

329.3.2 REGISTRATION INSTRUCTIONS

The Oregon State Police (OSP) provides registration forms which are to be used to register sex offenders. Instructions are printed on the packet. The procedure includes the following elements:

- (a) Satisfactorily identify registrant.
- (b) Ask for proof of physical address.
- (c) Obtain photocopy of ID.
- (d) Check for LEDS and National Crime Information Center (NCIC) wants and obtain the system identification (SID) number.
- (e) If no SID number, fingerprint registrant and submit prints with registration.
- (f) Complete the registration form and attach a photo of the offender to the OSP copy.
- (g) The offender and a witness must sign the form.
- (h) Send a LEDS administrative message teletype to the OSP Sex Offender Registration Unit (SOR) as soon as possible.
- (i) Mail the completed packet to OSP within three working days.

329.3.3 FAILURE TO REGISTER

Failure to register as required by ORS 181.595 to ORS 181.597 is a Class A Misdemeanor unless one of the following exists, in which case the offense is a Class C Felony:

- (a) The offender fails to make the initial report with the appropriate law enforcement agency or official, or
- (b) The crime for which the offender is required to register was a felony and the offender fails to report a change of address, employment or school enrollment

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In order to arrest for failure to register as a sex offender it must be proved that the offender knew registration was required and he/she failed to do so within the prescribed time limits. The LEDS ESX record may reflect knowledge by virtue of the offender having signed an SOR contract (Signed Form/Y), or the offender may admit knowledge of the registration requirement.

Failure to register also includes failure to fully complete the form, refusal to sign the form, failure to allow a photograph to be taken within the prescribed time limits or failure to provide complete and accurate information during registration.

329.3.4 VICTIM'S ACCESS TO INFORMATION

Victims of crimes for which offenders are required to register will be issued a victim's identification number and also provided with the offender's SID number. The OSP has established a toll-free number (1-800-551-2934) which victims can call and obtain up-to-date information about the location and status of the offender. The information is available during normal business hours.

329.4 MONITORING OF REGISTERED OFFENDERS

The Investigation Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
- (b) Review of information on the State of Oregon Sex Offender Inquiry System.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to Oregon State Police.

The Investigation Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Ashland Police Department personnel, including timely updates regarding new or relocated registrants.

329.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided the Sex Offender Inquiry System (<http://sexoffenders.oregon.gov/>), or the Ashland Police Department's website.

The Records Supervisor 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).

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329.6 DEPARTMENTAL DISSEMINATION OF INFORMATION

Whenever this department determines that it is necessary to provide information to the public regarding a person required to register as a sex offender pursuant to Oregon Revised Statutes 181.585 to ORS 181.605, such information may only be released by means determined by the Chief of Police to be appropriate.

Information regarding a registered sex offender shall not be released to the public without prior approval from the Chief of Police except under exigent circumstances, and in such cases a supervisor shall be notified of the information release as soon thereafter as is practical.

Included with all public disclosures of information about any registered sex offender will be a statement that the purpose of the release is to allow members of the public to protect themselves and their children from sex offenders.

Major Incident Notification

330.1 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.

330.2 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. 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
- Any other event likely to attract media attention

330.4 DIVISION COMMANDER RESPONSIBILITY

The Division Commander is responsible for making the appropriate notifications. The Division Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Division Commander shall attempt to make the notifications as soon as practicable. Notification should be made during off-duty hours by calling the department issued cell phone number first and then by calling the person's personal cell or home phone number.

330.4.1 STAFF NOTIFICATION

In the event an incident occurs as described in the Minimum Criteria For Notification section of this policy, the Chief of Police shall be notified along with the affected Division Commander and the Detective Sergeant if that division is affected.

330.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the on-scene supervisor will contact the Operations Division Commander or the Detective Sergeant who will then contact the appropriate detective.

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Major Incident Notification

330.4.4 PRESS INFORMATION OFFICER (PIO)

The Chief of Police or his designee shall serve as the Press Information Officer (PIO) if it appears the media may have a significant interest in the incident.

Death Investigation

331.1 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.

331.2 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.

331.2.1 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 Ashland 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 Ashland Police Department will work cooperatively with both the Medical Examiner's Office and the District Attorney in all death investigations.

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Death Investigation

331.2.2 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.

331.2.3 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.

331.2.4 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.

331.2.5 DEATH INVESTIGATION REPORTING

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

331.2.6 SUSPECTED HOMICIDE

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

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.

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

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 officers shall complete a narrative report regarding the circumstances and disposition of the incident to include any other documents such as citations, booking forms, ect.

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 Ashland 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 Ashland 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.

334.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Division Commander or the authorized designee.

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

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- (a) Coordinating and implementing all aspects of the Ashland 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 Division Commander and Dispatch 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.

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:

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- (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.
- (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.

334.5 TYPES OF LEP ASSISTANCE AVAILABLE

Ashland 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 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

334.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

334.7.1 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.

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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.

334.8 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

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.

334.8.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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334.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

334.9 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.

334.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

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

334.10.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

334.11 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

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

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

334.12 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably 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.

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334.13 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

334.13.1 INTERPRETER REQUIRED IN ARRESTS

An officer who arrests a person who cannot readily understand or communicate the English language shall, prior to any interrogation or the taking of a statement, make available a qualified interpreter to assist throughout the interrogation or taking of the statement. Fees and expenses of the interpreter will be paid as specified by Oregon law (ORS 133.515).

334.14 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

334.15 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

334.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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334.18 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 Division Commander 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 Division Commander 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.

334.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Division Commander shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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 Ashland 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.

335.3 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 Operations Division Commander or the authorized designee.

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

- (a) Working with the City ADA coordinator regarding the Ashland Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

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- (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 Division Commander and Dispatch 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.

335.4 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).
- (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.

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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 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 Ashland 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

Ashland 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.

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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.
- (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).

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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.

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.

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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.

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

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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 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.

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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 Division Commander shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Division Commander 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 Ashland 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/Office] 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.

Chaplains

337.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Ashland Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

337.2 POLICY

The Ashland Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

337.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

337.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Ashland Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

337.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and 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. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

337.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

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- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Chief of Police and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain 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 the authorized designee.

337.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Ashland Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Ashland Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

337.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Support Division Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Division Commander.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

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337.6.1 OTHER RESPONSIBILITIES

- (a) Participate in in-service training classes.
- (b) Be willing to enter into training courses to enhance their effectiveness.
- (c) Assist in contacting the assisted person's personal clergy person as soon as possible.
- (d) Should a person request a representative/minister of a specific denomination other than a department chaplain, the on-scene chaplain will contact the appropriate clergy as requested.
- (e) Make referrals in cases where specialized attention is needed, or in those cases that are beyond the chaplain's ability to assist.
- (f) Chaplains may not accept gratuities offered for their services or follow-up contacts while functioning as a chaplain for the Ashland Police Department.

337.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Operations Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Ashland Police Department.

337.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

337.7.2 OPERATIONAL GUIDELINES

- (a) Generally, each chaplain will serve with Ashland Police Department personnel a minimum of eight hours per month.
- (b) Chaplains shall be permitted to ride with officers during any shift and observe Ashland Police Department operations, unless there is an operational conflict at the discretion of the shift commander.
- (c) Chaplains shall not be evaluators of members of the Department.
- (d) In responding to incidents, a chaplain shall never function as an officer.

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- (e) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (f) Chaplains shall serve only within the jurisdiction of the Ashland Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- (g) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

337.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

337.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Division Commander or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

337.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

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- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

337.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

337.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Ashland Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Ashland Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

337.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Division Commander, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse

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- Suicide
- Officer injury or death
- Sensitivity and diversity

Lists Created for Law Enforcement

338.1 PURPOSE AND SCOPE

This policy establishes Departmental guidelines regarding the creation of confidential lists for criminal investigatory and law enforcement purposes and strict controls on the public release of a person's identification and personal information. The department's policy is to ensure that the identification of persons and associated personal information is only released to the public for legitimate criminal investigatory or other law enforcement purpose.

338.2 POLICY

338.2.1 LIST CREATION

Lists of probationers, persons on diversion or deferred sentences, suspects, persons of interest, or persons wanted for the commission of crimes, or other lists or compilations shall be created only for legitimate law enforcement or criminal investigatory purposes. Confidential departmental records shall include justification for placing such person on a list, including but not limited to records of conviction or probable cause to believe such person has committed crimes or similar crimes. Such lists, which may include descriptions, personal identifiers and photographs may be used by law enforcement, prosecution, dispatch and court personnel and except as provided for herein, shall be strictly maintained as confidential public records, or confidential transferred records. Panhandling and loitering are not crimes. They are constitutionally protected activities and are not cause for inclusion on lists referenced in this policy.

338.2.2 PROHIBITION ON PUBLIC RELEASE/EXCEPTION

As a general policy, criminal investigatory information is exempt from public disclosure under ORS 192.501(3). ORS 192.502(2) also protects from disclosure personal privacy information. The department shall continue to enforce and respect the exemptions in public records law to afford protection from unnecessary disclosure of personal identification information for both victims and defendants. Accordingly, there shall be no public distribution of any list, picture, personal identification information or other personal information of any individual unless such release is justified by a legitimate criminal investigation or legitimate law enforcement purpose. Examples of this would include: distributing identification information on persons of interest or suspects in criminal investigations, wanted persons, probationers, or other individuals whose identity is required to be released in accordance with Oregon Law. This would also include runaways, missing persons and endangered individuals. Decisions on releases, other than this, of such information shall be made by the Chief of Police or his designee, after consultation with City legal counsel.

338.2.3 REMOVAL FROM LIST

The Chief of Police or his/her designee shall consider written requests to remove identified persons from a list. The Chief or his/her designee will conduct a review of any such written request with supporting documentation and render a written decision within a reasonable length of time, not

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Lists Created for Law Enforcement

to exceed 90 days. Examples of good cause for removal of persons from publicly disclosed lists include but are not limited to:

- A lack of probable cause to believe such person is a suspect
- A mistake as to the identity of an individual, such as results from identity theft

Job Descriptions/Specialty Assignments

339.1 PURPOSE AND SCOPE

To ensure current and accurate job descriptions for each position in the department that details duties and responsibilities and to outline guidelines for qualifications and time limits for specialty assignments. Employees may hold specialty assignment positions at the discretion of the Chief of Police or his designee.

339.1.1 JOB DESCRIPTIONS

Job descriptions will be reviewed and updated biennially for all positions to include but not limited to the following :

- (a) Chief
- (b) Deputy Chief
- (c) Lieutenant
- (d) Detective Sergeant
- (e) Sergeant
- (f) Detective
- (g) Patrol Officer
- (h) Traffic Officer
- (i) School Resource Officer
- (j) Central Area Police Officer
- (k) Evidence/Property Technician
- (l) Community Service Officer
- (m) Administrative Analyst
- (n) Investigations Clerk
- (o) Records Clerk

339.1.2 SPECIALTY ASSIGNMENT QUALIFICATIONS

An employee must be off probation to qualify for all assignments

In order to qualify for the position of PTO (Police Training Officer) or OIC (Officer In Charge), the employee must have at least three years of law enforcement experience.

339.1.3 SPECIALTY ASSIGNMENT TIME LIMITS

Employees may hold the following positions at the discretion of the Chief of Police or his designee:

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Job Descriptions/Specialty Assignments

- (a) Detective Sergeant - three (3) year position. At the end of the three year cycle, the employee may reapply.
- (b) Detective - Two positions will be held for 5 years with a 5 year renewal on request of the employee and at the discretion of the department. Two additional positions will have a 3 year staggered rotation. The 3 year detectives will be assigned to the Problem Solving Unit (PSU). At the end of the 3 year cycle, the employee may reapply.
- (c) Traffic - 5 year position with a 5 year renewal on request of the employee and at the discretion of the department.
- (d) SWAT - If the employee is accepted as a member, the position is indefinite at the discretion of the Chief of Police or his designee.
- (e) Task Force - 2 year position with 1 year extension at the request of the employee and at the discretion of the department.
- (f) CAP (Central Area Patrol) - 2 year bid position with 1 year extension at the request of the employee and at the discretion of the department or 1 year as an assigned position.
- (g) SRO (School Resource Officer) - 2 year bid position with 1 year extension at the request of the employee and at the discretion of the department or 1 year as an assigned position.

339.1.4 MAINTENANCE OF SPECIALITY ASSIGNMENT

Employees may hold specialty assignment positions at the discretion of the Chief of Police or his designee.

Employees performing specialty assignments will maintain the standards of conduct that are consistent with the values and mission of the Ashland Police Department and are expected of all department members.

Off-Duty Law Enforcement Actions

340.1 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 Ashland Police Department with respect to taking law enforcement action while off-duty.

340.2 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.

340.3 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.

340.4 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.

340.4.1 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 Ashland Police Department officer until acknowledged. Official identification should also be displayed.

340.4.2 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.

340.4.3 CIVILIAN NONSWORN 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.

340.4.4 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.

340.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Division Commander as soon as practicable. The Division Commander 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

341.1 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.).

341.1.1 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.

341.2 POLICY

It is the policy of the Ashland 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.

341.3 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

341.4 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).

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342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

342.2 POLICY

It is the policy of the Ashland Police Department to promote positive relationships between [department/office] members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

342.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the [department/office] community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Dispatch of their location and status during the foot patrol.

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342.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the [Department/Office] to serve as the community relations coordinator. He/she should report directly to the Chief of Police or the authorized designee and is responsible for:

- (a) Obtaining [department/office]-approved training related to his/her responsibilities.
- (b) Responding to requests from [department/office] members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the [department/office]'s relationship with the community.
- (d) Working with community groups, [department/office] members and other community resources to:
 - 1. Identify and solve public safety problems within the community.
 - 2. Organize programs and activities that help build positive relationships between [department/office] members and the community and provide community members with an improved understanding of [department/office] operations.
- (e) Working with the Operations Division Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (f) Recognizing [department/office] and community members for exceptional work or performance in community relations efforts.
- (g) Attending City council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the [department/office]'s response to events that may affect community relations, such as an incident where the conduct of a [department/office] member is called into public question.
- (i) Informing the Chief of Police and others of developments and needs related to the furtherance of the [department/office]'s community relations goals, as appropriate.

342.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and [department/office] members to be conducted at least annually to assess the condition of the relationship between the [Department/Office] and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the [Department/Office]
- (b) Overall competence of [department/office] members
- (c) Attitude and behavior of [department/office] members
- (d) Level of community trust in the [Department/Office]

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- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

342.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for [department/office] members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) [Department/Office]-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

342.7 INFORMATION SHARING

The community relations coordinator should work with the Press Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in [department/office] operations, comments, feedback, positive events) between the [Department/Office] and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the [Department/Office] Use of Social Media Policy).
- (c) [Department/Office] website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

342.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) [Department/Office] website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) [Department/Office] ride-alongs (see the Ride-Alongs Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the [Department/Office].

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- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the [Department/Office] regarding alleged misconduct or inappropriate job performance by [department/office] members.

342.9 SAFETY AND OTHER CONSIDERATIONS

[Department/Office] members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

[Department/Office] members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

342.10 COMMUNITY ADVISORY COMMITTEE

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the [Department/Office] to develop strategies to solve public safety problems.
- (c) Generate plans for improving the relationship between the [Department/Office] and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

The Division Commander should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of [department/office] policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

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342.10.1 LEGAL CONSIDERATIONS

The Chief of Police and the community relations coordinator should work with the City Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

342.11 TRANSPARENCY

The [Department/Office] should periodically publish statistical data and analysis regarding the [department/office]'s operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding [department/office] operations.

342.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Extreme Risk Protection Orders

343.1 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.

343.1.1 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.

343.2 POLICY

It is the policy of the Ashland 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/Office] pursuant to such orders.

343.3 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).

343.4 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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343.5 SERVICE

The person shall be personally served with a copy of the extreme risk protection order and a hearing request form (ORS 166.527).

Any served order shall be entered into the state's Law Enforcement Data Systems (LEDS) by this [Department/Office] with a request that the order be entered in the National Crime Information Center (NCIC) when the order is served (ORS 166.527):

- (a) By a member of this [Department/Office].
- (b) By any law enforcement agency and this [Department/Office] is provided a receipt of a copy of the order and notice of completion of service.
- (c) By a person and this [Department/Office] is provided a copy of the proof of service.

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).

The [Department/Office] shall provide the petitioner a copy of the proof of service for the extreme risk protection order (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 to the court showing service was not completed (ORS 166.527).

343.5.1 SURRENDER OF DEADLY WEAPONS AND HANDGUN LICENSE

The officer serving an extreme risk protection order shall request that the person immediately surrender all deadly weapons in his/her custody, control, or possession along with any concealed handgun license issued to the person. The officer shall take custody of any weapons or license surrendered. If the person indicates an intention to surrender the weapons to a gun dealer or a third party, the officer shall request that the person identify that gun dealer or third party. Prior to taking any enforcement action, the officer should make a reasonable effort to follow up with the gun dealer or third party to determine if the deadly weapons were surrendered (ORS 166.537).

The officer serving an extreme risk protection order continued after a court hearing held under ORS 166.530, or a renewed extreme risk protection order, shall request that the person surrender all deadly weapons in his/her custody, control, or possession. The officer may conduct any search permitted by law for deadly weapons and shall take possession of all deadly weapons appearing to be in the custody, control, or possession of the person that are surrendered, in plain sight, or discovered pursuant to a lawful search (ORS 166.537).

A receipt identifying all surrendered items shall be prepared by the officer and a copy given to the person. The officer should ensure the original receipt is forwarded to the Records Supervisor as soon as practicable (ORS 166.537).

All deadly weapons collected shall be handled and booked in accordance with the Property and Evidence Policy.

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343.5.2 SEARCH WARRANTS

If a person who has been served with an extreme risk protection order refuses to surrender any deadly weapons, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy.

343.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor 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/Office] (ORS 166.537).

343.7 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for:

- (a) 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/Office] (ORS 166.537).
- (b) Ensuring orders have been properly entered into state and national databases as required by ORS 166.527.
- (c) Removing from LEDS an original order upon receipt of a termination order from the court and requesting that the order be removed from NCIC (ORS 166.533).

343.8 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/Office] procedures (ORS 166.537).

343.9 RELEASE OF DEADLY WEAPONS

Any deadly weapon or concealed handgun license in [Department/Office] 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.

343.10 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Investigation Unit supervisor is responsible for the review of any extreme risk protection order obtained by the [Department/Office] to determine if renewal should be requested within the time prescribed by law (ORS 166.535).

Pre-Arrestment Housing for APD Jail Beds

344.1 PURPOSE

APD has been funding post-conviction beds in the Jackson County Jail (JCJ) to hold people accountable for their behavior as mandated by the Judge.

344.2 LEGAL BACKGROUND

2017 ORS 135.010

ORS dictates that a person held in custody must be arraigned within 36 hours not including weekends and holidays.

344.3 DEFINITIONS

Matrix lodge: A person is lodged at the JCJ and they are held pursuant to the jail's matrix.

Off-Matrix lodge: A person is lodged at the JCJ and is removed from the jail's matrix to be held in a rented jail bed pending arraignment with Ashland Municipal Court (AMC)

344.4 BACKGROUND

Anyone arrested must be arraigned within 36 hours, not including weekends and holidays.

Video arraignments are held at 10:00 a.m. at the AMC on Mondays and Tuesdays.

These procedures dictate what is to be done to place a person into an APD rented jail bed if they are picked up on an FTA warrant, or their behavior is particularly egregious. (See below)

This procedure does not impact the standard lodging of people within the JCJ (Matrix lodge).

344.5 PROCEDURE MATRIX LODGE

The JCJ will attempt to hold prisoners, if there is room, (but with them staying on the matrix) if they can be arraigned on time.

344.6 PROCEDURE OFF MATRIX LODGE

The JCJ will attempt to hold prisoners, with them removed from the release matrix, and placed in one of our jail beds, if we ask them to.

With this in mind: on a weekend and at APD's request, the JCJ will hold a municipal court offender in an APD rented jail bed pending the next arraignment, if the person is arrested after 10:00 p.m. on Thursday.

344.7 PROTOCOL

The following municipal court offenders can be held, pre-arrestment, in one of the rented jail beds:

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Pre-Arrestment Housing for APD Jail Beds

-Any person arrested on a AMC warrant for failure to appear. This refers to both the crime of failing to appear, or on a warrant issued by the AMC for failing to appear on a previous criminal charge.

-A person, regardless of whether or not the person has previously been seen by AMC on any matters, whose behavior is so egregious, that the on duty supervisor, in consultation with a command officer (Lieutenant, Deputy Chief, or Chief), deems the peace and wellbeing of the community require that the person remain in custody pending arraignment.

If a person is going to be held, off-matrix, (in a rented jail bed), the arresting officer must advise the corrections staff at the jail of this, and the fact that this has happened must be communicated to the oncoming shifts (white board). This is so the APD can keep track of whether or not the APD jail beds are occupied, and whether or not we can place another person in them. Additionally, as to the municipal court staff and city attorney's office, they must be notified and have all required paperwork presented to them first thing in the morning on the day the person is to be arraigned. The court must be notified via their priority email box at ashlandcourt@ashland.or.us

Interaction with Transgender Individuals

345.1 PURPOSE AND SCOPE

This policy establishes procedures for interactions with transgender individuals, to provide for the safety of the citizens of Ashland and for the protection of all individuals. While this policy largely provides guidance for member interaction with transgender members of the public, Ashland Police Department members shall treat all persons with courtesy and dignity which is inherently due to every person as a human being. Members will act, speak and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property and maintain a courteous and professional attitude during all contacts with the public.

345.2 DEFINITIONS

The following definitions are intended to assist members in understanding this policy. Individuals may or may not use these terms to describe themselves.

“Adopted Name” means the name the transgender person uses to identify themselves. The adopted name may or may not be the person’s legal name.

“Assigned Sex” means the sex assigned at birth based on the person’s biological or anatomical identity as male, female, or intersex.

“Gender Expression” means a person’s characteristics and behaviors that may create the perception the person is male or female, such as appearance, dress, mannerisms, expressions, and social interactions. Gender expression may be different from that traditionally associated with the person’s assigned sex, in which case the person is Gender Non-Conforming.

“Gender Non-Conforming” means a person’s physical appearance, characteristics and/or behaviors that do not conform to those typically associated with the person’s sex at birth or traditional societal gender expression. Some transgender people may not identify as male or female.

“Gender Identity” means a person’s internal feeling or self-image of being male, female, or something in between. A person’s gender identity may or may not be the same as their assigned sex.

“Intersex” means persons who possess or develops physical sex characteristics that do not fit into conventional medical definitions of male or female. This can include chromosomes, genitals, hormones and more. “Intersex” is the preferred term.

“LGBTQ” is a common abbreviation that refers to the lesbian, gay, bisexual, transgender and questioning (or queer) community.

“Sexual Orientation” means a person’s physical or emotional attraction to people of the same and/or other gender. Straight, gay, and bisexual are some ways to describe sexual orientation. Sexual orientation is distinct from gender identity and expression. Transgender people can be gay, lesbian, bisexual or straight.

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“Transgender Person” means a person whose gender identity and/or expression differs from their assigned sex.

“Transgender Man or Female-to-Male (FTM)” means a person who transitions from female to male, meaning a person who was assigned female at birth, but identifies and lives as male or as a man. A female-to-male individual should be addressed using masculine pronouns (i.e. he, him, his), regardless of surgical status.

“Transgender Woman or Male-to-Female (MTF)” means a person who transitions from male to female, meaning a person who was assigned male at birth, but identifies and lives as female or as a woman. A male-to-female individual should be addressed using feminine pronouns (i.e. she, her, hers), regardless of surgical status.

NOTE: Some people described by this definition do not consider themselves transgender. They may use other words, or may identify simply as a man or woman. A person does not need to refer to themselves as transgender to have these policies apply.

“Transition” means the process of changing one’s gender from the sex assigned at birth to one’s gender identity. There are many different ways to transition. For some people, it is a complex process that takes place over a long period of time, while for others it is a one or two step process that happens more quickly. Transition may include “coming out” (telling family, friends, and coworkers); changing the name or sex on legal documents; and, for many transgender people, accessing medical treatment such as hormones and surgery.

NOTE: Officers shall refrain from using hermaphrodite as a description as it is not only out of use, but considered offensive.

345.3 CONTACTING TRANSGENDER INDIVIDUAL(S)

Transgender status is never by itself a lawful basis for a stop, search, or arrest.

Officers will not subject transgender people to more invasive pat-down and/or search procedures than non-transgender people.

APD members shall consider a person to be transgender if the person identifies themselves as transgender or, if upon reasonable belief that a person may be transgender, the officer asks and receives an affirmative response. Members shall use their own discretion whether or not to ask a person of their gender identity

When handling calls for service or performing other duties, members will not discriminate against a person based on the member’s perception that the person is transgender, gender non-conforming, in transition, whose gender identity or expression differs from what appears to be their assigned sex, or whose sexual orientation is LGBTQ.

345.4 REFERRING TO TRANSGENDER INDIVIDUAL(S)

Members shall use a person’s adopted name and pronouns preferred by the person, when talking with the person or when referring to the person in conversations with others. If members are

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uncertain about which pronouns are appropriate, members shall respectfully ask the individual which pronouns are preferred.

- a. She, her, hers for an individual who is a transgender woman.
- b. He, him, his for an individual who is a transgender man
- c. They, them, their for an individual who is gender non-conforming and/or prefers gender-neutral pronouns.

While remaining aware that a transgender member of the community may have a legal name that differs from the adopted name, officers should take care to ensure the community member's privacy is not compromised. Officers must remain open to a community member asking to speak with the officer in private or otherwise engaging the officer in a manner that allows the person to provide legally required identifying information while also respecting the person's assumed identity.

When completing official documents, the members will include a transgender individual's adopted name as the Also Known As (AKA) name. If no identification is available, and the member cannot determine a transgender individual's legal name, members shall use the adopted name for the primary name.

345.5 SEARCHING A TRANSGENDER INDIVIDUAL(S)

Searching people is generally covered by Ashland Police Department Policy Manual - Searching Protocol (APD 310.4)

Prior to or in the course of a search, the officer may realize or suspect that the person is transgender, gender-nonconforming, or intersex.

When feasible, officers should inform transgender individuals of their right to express a preference of officer gender for searches and make a reasonable effort to summon the preferred officer. The feasibility of complying with the request depends on officer safety, recovery of evidence, whether an officer of the requested sex is reasonably available and safety of the person or others, and other factors. When it is not practicable to summon the preferred officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search. If unable to have another officer or supervisor, officers shall utilize the in-car video system by searching the individual at the front of the vehicle in addition to the officers body camera to record 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.
3. Unless items are thought to be evidence or a safety hazard, officers will not seize or remove appearance-related items, such as clothing and undergarments, wigs, prosthetics, or make-up if those items would not be confiscated from non-transgender individuals

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345.6 HANDLING TRANSGENDER INDIVIDUALS IN CUSTODY

1. When officers transport a transgender individual to the Jackson County Jail or otherwise transfer custody to another law enforcement agency, the officers will discreetly advise the receiving agency/officer that the individual is transgender. The officer will discreetly relay any other relevant identification related information, including how the individual would like to be addressed.
2. When booking a transgender individual into jail, officers will book the individual under the legal name and enter any adopted name as the AKA name

345.7 RELEASE OF INFORMATION TO THE MEDIA REGARDING INCIDENTS INVOLVING TRANSGENDER INDIVIDUAL(S)

In incidents involving transgender individuals (victim, witness, or arrestee), personnel will:

1. Refer to the individual using the name based on their gender identity rather than that which is on their government issued identification.
2. Use pronouns as requested by the individual (e.g., “she, her, hers” for an individual who self-identifies as a female; “he, him, his” for an individual who self-identifies as a male] and as used on the appropriate department reports (incident or arrest report).

Even in the case of a person’s death, members will use pronouns and titles of respect appropriate to the individual’s gender identity as expressed by the individual. In incidents where a transgender victim is deceased, personnel will refer to the decedent using the appropriate pronouns and names, based on knowledge from friends and family and gender identity.

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, 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 divisions within the Department, as well as other outside governmental agencies
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies
- (i) Traffic direction and control

400.1.2 TERRORISM

It is the goal of the Ashland 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 or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Investigation Unit Supervisor in a timely fashion.

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Patrol Function

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Ashland 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 unit for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Patrol supervisors, and detective 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/office] members that affirms the Ashland 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/office]'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 Ashland 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/office] 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/office] 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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Bias-Based Policing

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, 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.

401.6 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Division Commander.

401.6.1 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

The Division Commander 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 Special Order or changes in Special Order
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

402.2 SUPERVISORS RESPONSIBILITY

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. The supervisor shall be expected to brief on cases reported during the previous shift, Attempt to Locate (ATL) information, Officer safety information and extra patrol requests occurring during their shift. If the briefing being held is the first briefing at the start of a work week then the supervisor should review information and cases that occurred during his shifts weekend and brief on those items deemed important.

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.

403.1.1 EMERGENCY OPERATIONS PLAN TRAINING

All employees shall review the City of Ashland Emergency Operations Plan annually.

403.2 POLICY

It is the policy of the Ashland 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.

403.2.1 MEDIA ACCESS

Authorized and bona fide members of the media shall 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 media representatives with access to the command post nearest the location providing it will not interfere with emergency operations or a criminal investigation.
 2. 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 Division Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (Federal Aviation Regulations § 91.137).
- (c) No member of this department shall 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 expressed consent of the person in custody.
- (e) Media representatives will not be allowed to enter the outer or inner perimeter of a crime scene while an incident or investigation is in progress.

Crime and Disaster Scene Integrity

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, but every effort shall be made to keep them well informed of the progress of the operation. All comments and statements to the media shall be coordinated through a supervisor or the department Press Information Officer.

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.

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

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Crime and Disaster Scene Integrity

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 INVESTIGATION UNIT OR DIVISION COMMANDER RESPONSIBILITIES

The Investigation Unit or Division Commander is responsible for:

- (a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.
- (b) Establishing procedures for collecting, processing and preserving physical evidence in the field.
- (c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.
- (d) Establishing procedures for processing, developing, lifting and labeling fingerprints.
- (e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

403.7 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to execute and enforce lawful orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (ORS 433.156).

Ride-Alongs

404.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for 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 Ashland 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/Office]
- Denial by any supervisor

404.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the shift supervisor. 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 shift supervisor 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 Division Commander 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/Office] 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. Civilian ride-alongs should be limited to two hours unless additional time is approved by the officer assigned or the Watch Commander. An exception would apply to the following: Cadets, Explorers, Senior volunteers, Chaplains, Reserves, police applicants, and all others with approval of the Division Commander.

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.

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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 Division Commander 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/office] or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Division Commander. 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 Ashland Police Department). The printed inquiry responses will be attached to the request and forwarded to the on-duty Division Commander who will approve or disapprove the ride-along and schedule the appointment.

404.3 OFFICERS 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.

The shift supervisor is responsible for maintaining and scheduling ride-alongs.

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
- (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

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- (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

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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Hazardous Material Response

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 Ashland 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).

Hostage and Barricade Incidents

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 Press 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 Press 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 S.W.A.T. Unit response if appropriate and apprising the S.W.A.T. 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 Dispatch.
- (i) Identify a media staging area outside the outer perimeter and have the department Press 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 S.W.A.T. UNIT RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the S.W.A.T. Commander, whether to deploy the S.W.A.T. unit during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the S.W.A.T. 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

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for the S.W.A.T. unit. The Incident Commander and the S.W.A.T. 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 Division Commander 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.

Response to Bomb Calls

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) Division Commander
- (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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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 Division Commander is immediately advised and fully informed of the details. The Division Commander 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 Ashland 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.

Civil Commitments

408.3.2 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.

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 Dispatch 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.

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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, Division Commander 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.

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.

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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.

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 Ashland 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.

409.4 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

- (a) The type of offense committed.

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- (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 Ashland 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. It is the opinion of the State Department that stopping for routine traffic infractions and their resultant citations are not arrests nor detentions.

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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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 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 documents. Verify immunity by telephone with the Department of State any time an

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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
Washington D.C.	Command Center
(202) 895-3521 (Driver License Verification) or	Washington D.C.
(202) 895-3532 (Registration Verification)	(202) 647-7277
(202) 895-3533 FAX	(202) 647-1512
(0815-1700 EST)	(Available 24 hours)
	(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 this policy.

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 Division Commander/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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Arrest or Detention of Foreign Nationals

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 Dispatch as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide Dispatch 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 Dispatch 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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Arrest or Detention of Foreign Nationals

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 Dispatch was notified of the foreign national's arrest/ detention and his/her claimed nationality.

Rapid Response and Deployment

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 Ashland 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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- (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 Operations Division Commander 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 Division Commander should include rapid response to critical incidents in the training plan. This training should address:

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Rapid Response and Deployment

- (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 Ashland Police Department relating to immigration and interacting with federal immigration officials.

412.2 POLICY

It is the policy of the Ashland 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/office] 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/office] 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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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 INFORMATION SHARING

No member of this [department/office] 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/office] records
- (c) Exchanging such information with any other federal, state, or local government entity

412.6.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

412.6.2 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):

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- (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/Office] that are not matters of public record

412.7 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this [department/office] should be directed to a supervisor. The [Department/Office] may provide available support services, such as traffic control or peacekeeping efforts.

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 Investigation Unit supervisor assigned to oversee the handling of any related case. The Investigation Unit 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 Investigation Unit supervisor shall inform the petitioner in writing regarding the reason for the denial as provided in ORS 147.620. A copy of the notice shall be kept for a minimum of three years and in accordance with the established records retention schedule (ORS 147.620).

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412.8.2 TIME FRAME FOR COMPLETION

Except under circumstances where there is good cause for delay, the Investigation Unit 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 Investigation Unit 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 Investigation Unit supervisor or the authorized designee should ensure that the information collected regarding certification forms is transmitted in a timely manner to the Records Division for annual reporting to the Oregon Criminal Justice Commission.

412.9 TRAINING

The Division Commander 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. In the event that flooding is occurring inside a residence or business after normal business hours, the on-call water duty person may be called to shut off the water at the meter.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by Dispatch.

413.1.2 ELECTRICAL LINES

The City of Ashland Electric Department maintains all of the electrical lines within the city limits of Ashland. When a power line poses a hazard, an officer and Ashland Fire and Rescue should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Department 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, Public Works 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 Dispatch.

413.2 TRAFFIC SIGNAL MAINTENANCE

The City of Ashland contracts with the Oregon Department of Transportation (ODOT) to furnish maintenance for all traffic signals within the City.

413.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Emergency Utility Service

Officers have the responsibility to address any hazard caused by malfunction of any inoperative or malfunctioning signal.

Aircraft Accidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide [department/office] 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.

414.1.1 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.

414.2 POLICY

It is the policy of the Ashland Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

414.3 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).

414.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

Aircraft Accidents

414.5 NOTIFICATIONS

When an aircraft accident is reported to this [department/office], 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)

414.6 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/JOP].
- (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/office] will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene [department/office] supervisor should ensure the accident is still appropriately investigated and documented.

414.7 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.

414.8 DOCUMENTATION

All aircraft accidents occurring within the City of Ashland 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 APD 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.

414.8.1 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.

414.8.2 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.

414.9 MEDIA RELATIONS

The Press 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.

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 Ashland 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 made available to properly trained and qualified officers as a supplemental resource to their duty handgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police and the department armorer.

415.3 SPECIFICATIONS - DEPARTMENT ISSUED OR PERSONALLY OWNED RIFLES

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police, may be used by officers in their law enforcement responsibilities. The Department's authorized patrol rifle is the Colt AR-15 and the Noveske Model N4, chambered in 5.56.

The following personally owned rifles are approved for on-duty use and may be utilized as long as they conform to the following criteria:

- (a) Will be stock from the factory with no internal modifications and no adjustable triggers.
- (b) Must be produced by one of the following Manufacturers. Aero Precision, Bravo Company (BCM), Colt, Daniel Defense (DD), Larue, Rock River Arms, Noveske, or any other manufacturer with the Range Master's approval.
- (c) Caliber - 5.56 or .223
- (d) Barrel Length - 16" minimum unless the officer has a BATF form 1 or form 4 (Tax Stamp) for a Short Barrel Rifle (SBR) and can be no shorter than 10 inches.
- (e) Must have iron sights and or Back-up Iron Sights (BUIS) with an approved optic. (refer to 306.2.4 Optics)
- (f) Must have either a two point or single point sling
- (g) Must have a weapon mounted light
- (h) A "ambi-seftey" is recommended, however not required.
- (i) Vertical grips and or hand stops are allowed on personally owned rifles.

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 5.56 caliber.

Patrol Rifles

415.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster, who shall inspect and service each patrol rifle on an annual 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. Details will also be forwarded to the Range Master and Department Armorer.
- (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 Rangemaster.

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 annual training and qualification conducted by a certified patrol rifle instructor.

Any officer who fails to qualify will no longer be authorized to utilize the patrol rifle.

Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

- (a) Additional range assignments may be required until consistent weapon proficiency is demonstrated.
- (b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.
- (c) No range credit will be given for the following:
 - (a) Unauthorized range make-up.
 - (b) Failure to qualify after remedial training.

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

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Patrol Rifles

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.

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, the dust cover is closed and a loaded magazine is inserted into the magazine well.

A loaded magazine for a 30 round magazine includes 28 rounds. A loaded magazine for a 20 round magazine includes 18 rounds.

415.9 RIFLE STORAGE

- (a) When not in use, such as the vehicle is out for service, patrol rifles will be stored in the department armory weapons locker.

Police Training Officer Program

416.1 PURPOSE AND SCOPE

The Police Training Officer Program (PTO) 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 Ashland Police Department.

It is the policy of this department to assign all new police officers to a Police Training Officer 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.

416.2 POLICE TRAINING OFFICER

The Police Training Officer (PTO) 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.

416.2.1 SELECTION PROCESS

PTO's will be selected based on the following requirements:

- (a) Desire to be a PTO
- (b) Minimum of three years of patrol experience, one of which shall be with this department
- (c) Demonstrated ability as a positive role model
- (d) Evaluation by supervisors and current PTO's
- (e) Possess a DPSST Basic Certificate

416.2.2 TRAINING

An officer selected as a Police Training Officer shall successfully complete an approved Police Training Officer's Course prior to being assigned as a PTO.

416.3 POLICE TRAINING PROGRAM COORDINATOR

The PTO supervisor will be selected from the rank of sergeant or above by the Support Commander or his/her designee and shall possess a DPSST Supervisory Certificate.

The PTO Program supervisor shall have the responsibility of, but not be limited to the following:

- (a) Assignment of trainees to PTO's
- (b) Conducting PTO meetings
- (c) Maintain and ensure PTO/Trainee performance evaluations are completed
- (d) Monitor individual PTO performance
- (e) Monitor overall PTO Program

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- (f) Maintain liaison with other agency's PTO Coordinators
- (g) Develop ongoing training for PTO's
- (h) Review Coaching and Training Reports

416.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Ashland Police Department who has successfully completed a DPSST approved Basic Academy or equivalency.

416.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Police Training Officer Program, consisting of a minimum of 16 weeks.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

416.5.1 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 Ashland 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 Ashland Police Department.

416.6 POLICE TRAINING OFFICER

- All PTO's shall maintain a journal and allow the trainee time to complete journal entries on a daily basis.
- All PTO's shall complete a Coaching and Training Report and submit it to the PTO coordinator on a weekly basis.
- PTO's should ensure the trainee completes two (2) Problem Based Learning Exercises (PBLE) and one Neighborhood Portfolio Exercise (NPE) during the training phase.

416.6.1 POLICE TRAINING EVALUATOR

The Police Training Evaluator (PTE) shall evaluate the training during a Mid-Term phase and final evaluation phase. The PTE will recommend that the trainee continue in the program as assigned or receive additional prescriptive training.

416.7 DOCUMENTATION

All documentation of the Police Training Officer Program will be retained in the officer's training files and will consist of the following:

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- (a) Coaching and Training Reports
- (b) End of phase evaluations
- (c) The completed DPSST Training Manual

Obtaining Helicopter Assistance

417.1 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.

417.2 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.

417.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the Jackson County Sheriff's Office. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

417.2.2 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.

Contacts and Temporary Detentions

418.1 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.

418.1.1 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.

418.2 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 Ashland Police Department to strengthen community involvement, community awareness, and problem identification.

418.3 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.

418.4 POLICY

The Ashland 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.

418.5 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

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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/office] 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.

Criminal Organizations

419.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Ashland Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

419.2 POLICY

The Ashland Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

419.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

419.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Division. Any supporting

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documentation for an entry shall be retained by the Records Division in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Division are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

419.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

419.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Division or Property and Evidence Unit, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, Dispatch records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

419.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

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419.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Division Commander to train members to identify information that may be particularly relevant for inclusion.

419.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

419.7 CRIMINAL STREET GANGS

The Investigation Unit supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with criminal street gangs.
- (b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

419.8 TRAINING

The Division Commander should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

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- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

Watch Commanders

420.1 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 shift.

420.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Sergeant is unavailable for duty as Watch Commander, in most instances the senior qualified Officer in Charge (OIC) shall be designated as acting Watch Commander. This policy does not preclude designating an Officer in Charge with less seniority as an acting Watch Commander when operational needs require or training permits.

Mobile Audio Video

421.1 PURPOSE AND SCOPE

The Ashland 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.

421.1.1 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.

421.1.2 ARBITRATOR CLASSIFY TAGS

The classification tag is extremely important because it determines the video archival storage time on the server. All mobile video will be classified with the appropriate category and a case number will be input if available to the Officer.

ARREST FEL = Indefinite

INTERVIEW FEL = Indefinite

FATAL = Indefinite

ARREST MSD = 5 Years

INTERVIEW MISD = 5 Years

DUII = 5 Years

PURSUIT = 3 Years

MENTAL = 3 Years

POH (Police Hold) = 3 Years

RISK (Risk Management) = 3 Years

TS CITE = 1 Years

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CRASH = 1 Years

FCR (Field Contact) = 1 Year

TS WARN = 6 Months

DISTURBANCE = 6 Months

OTHER = 6 Months

When a video is uploaded to the server that doesn't have a classification tag, the Officer will tag it manually. This can be done by using the Back End client software to bring up the untagged videos, and then classify them one by one with the appropriate classification.

421.2 POLICY

It is the policy of the Ashland 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.

421.3 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit emergency lights are activated. The system remains on until turned off manually. The audio portion must be activated manually by each officer and is independent of the video; however when audio is being recorded the video will also record. Whenever the audio portion is activated, officers should, whenever possible, advise all persons present they are being recorded in accordance with Oregon Revised Statutes 165.540(5)(b).

421.3.1 WHEN ACTIVATION NOT REQUIRED

Activation of the MAV system is not required when actively on patrol, during a consensual encounter, when on foot patrol away from the vehicle, when exchanging information with other officers, when interviewing victims or witnesses, when not in service, or during breaks, lunch periods.

421.3.2 WHEN ACTIVATION NOT ALLOWED

Officers shall not secretly record department personnel without their permission or any person in violation of Oregon Revised Statute 165.540(c).

421.4 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).

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421.4.1 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 Dispatch.
- (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
- (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

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421.4.2 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.

421.4.3 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 authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

421.5 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 a department investigator after approval of a supervisor who is 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 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 or the authorized designee
- (i) By the media through proper process or with permission of the or the authorized designee

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- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved 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

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Division Commander. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

421.6 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.

421.7 RECORDING MEDIA STORAGE AND INTEGRITY

The Arbitrator server is a backed up and secure storage location. All recording media that is not given a classification tag will be retained for a minimum of 6 months and disposed of in compliance with the established records retention schedule.

421.7.1 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.

421.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Ashland Police Department should indicate this in an appropriate report. Officers should ensure all relevant recordings are given the appropriate classification tag and a case number if applicable.

421.8 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.

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- (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.
- (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.

Mobile Digital Computer Use

422.1 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 Dispatch.

422.2 POLICY

Ashland 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.

422.3 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).

422.4 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 Division Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from 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.

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422.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

422.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Division Commander or other department-established protocol, all calls for service assigned by a [dispatcher] should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a [dispatcher].
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

422.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

422.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Division Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

422.6 EQUIPMENT CONSIDERATIONS

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422.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Dispatch. It shall be the responsibility of the [dispatcher] to document all information that will then be transmitted verbally over the police radio.

422.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

Portable Audio/Video Recorders

423.1 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.

This policy does not apply to lawful surreptitious audio/video recording interception of communications for authorized investigative purposes or to mobile audio/video recordings (see the Investigation and Prosecution and Mobile Audio/Video policies).

423.1.1 MANDATORY USE

It shall be the policy of the Ashland Police Department to use audio recorders as directed by departmental policy and state and federal law. All personnel will be trained in the use of recorders. All personnel who are assigned to enforcement activity are expected to wear and use department issued recording devices.

423.2 POLICY

The Ashland 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.

423.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in their official capacity shall remain the property of the Department regardless of whether those recordings were made with department-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

423.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or malfunctions at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever possible.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever possible.

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Portable Audio/Video Recorders

When using a portable recorder, the assigned member shall record his/her name, APD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

423.5 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 Dispatch
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members shall notify all parties to the conversation that a recording is being made unless pursuant to a court order or the limited exceptions in ORS 165.540 subsections (2) through (7) and ORS 133.726 (prostitution offenses, felonies when exigency makes obtaining a warrant unreasonable, certain felony drug offenses, felonies that endangers human life (ORS 165.540)).

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criteria. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize 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 practicable.

Officers may exercise sound judgment in discontinuing recording if doing so is necessary to safeguard the identity of an informant or if failing to do so would reveal sensitive police tactics via a public records request.

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Portable Audio/Video Recorders

423.5.1 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.

423.5.2 PRIVACY

It is understood that there is no expectation of privacy for any recording made by the officer.

423.5.3 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

423.5.4 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.

423.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Division Commander. 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.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

423.7 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and transfer the file in accordance with current procedure for storing digital files and document the existence of the recording in the related case report. Transfers should occur at the end of the member's shift, or any time the storage capacity is nearing its limit.

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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.

423.7.1 RETENTION REQUIREMENTS

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.

423.8 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.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) 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 Release and Security Policy and applicable state laws.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Release and Security 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.

Medical Marijuana

424.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this [department/office] 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.

424.1.1 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).

424.2 POLICY

It is the policy of the Ashland 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 Ashland 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/Office].

424.3 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.

424.3.1 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 when the amounts are outside those allowed by state statute. 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.

424.3.2 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

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the medical use of marijuana with amounts at or below statutory possession amounts or statutory grow site amounts (ORS 475B.907).

Cardholders are required to possess a RIC when using or transporting marijuana, usable marijuana, medical cannabinoid products, cannabinoid concentrates, or cannabinoid extracts at a location other than the address on file with the Oregon Health Authority (ORS 475B.837). However, officers should treat a person without a RIC in 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.

424.3.3 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).

424.3.4 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.

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3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
 4. Any other relevant factors exist, such as limited available [department/office] resources and time constraints.
- (d) Before proceeding with enforcement related to grow sites, a marijuana producer, or processing sites officers should consider conferring with appropriate legal counsel, the Oregon Health Authority, and/or Oregon Liquor 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).

424.3.5 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).

424.3.6 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.

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424.4 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.

424.5 PROPERTY AND EVIDENCE UNIT SUPERVISOR RESPONSIBILITIES

The Property and Evidence Unit 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 Unit 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 Investigation Unit supervisor and upon advice of [city/county] counsel. Any court order to return marijuana should be referred to [city/county] counsel.

The Property and Evidence Unit supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigation Unit supervisor.

424.6 SAFEKEEPING AND RETURN OF MARIJUANA

If an officer makes a custodial arrest on a person who is in lawful possession of marijuana as defined by Oregon statutes, the officer should try to arrange to have the marijuana turned over to a person of the suspect's choosing, or secured in a place of the suspect's choosing. If neither of these is a viable option, or if this option is deemed to not be reasonably safe and otherwise prudent, then the officer will take the marijuana for safekeeping and log it into the Ashland Police Department's property system pursuant to Ashland Police Department policies. Upon the suspect's release the suspect will be allowed to retrieve the marijuana pursuant to Ashland Police Department property release procedures.

Homeless Persons

425.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Ashland Police Department recognizes that members of the homeless community are often in need of special protection and services. The Ashland Police Department will address these needs in balance with the overall missions of this department. Therefore, officers will consider the following policy sections when serving the homeless community.

425.1.1 POLICY

It is the policy of the Ashland Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

425.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with Social Services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of those areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include the following:
 1. Proper posting of notices of trespass and clean-up operations.
 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with Policy Section 804 and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

Homeless Persons

425.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. While interacting with members of the homeless community for any reason, officers are encouraged to make referrals to social services and long term support networks to assist the person in finding long-term stable support.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

425.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

425.4 HOMELESS ENCAMPMENTS

Officers who encounter encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not immediately remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Homeless Liaison Officer.

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425.4.1 HOMELESS CAMPS ON PUBLIC PROPERTY

24 hour notice does not need to be given prior to taking enforcement action in a complaint of prohibited camping. However, the removal of a campsite does require 24 hour notice per Oregon statute.

Prior to removing homeless individuals from an established campsite on public property, officers shall:

- (a) If individuals are present, advise violators that they are camping on public property and such encampments are illegal.
- (b) Post the area with a notice in English and Spanish advising the violators to vacate within 24 hours. This same notice shall list a local agency that delivers social services to homeless individuals.
- (c) Notify the agency listed on the posting of the campsite's location.
- (d) Obtain a case number and prepare a police report documenting the incident.

The 24-hour warning notice requirement is not necessary if officers reasonably believe that illegal activity unrelated to the camping violation is occurring or in the event of an exceptional emergency such as a possible site contamination by hazardous materials, or when there is immediate danger to human life or safety (ORS 203.079).

Officers are encouraged to use education to gain compliance. If the officer has knowledge that the person in question has already been advised of the camping prohibition and the person continues to violate this ordinance, then the officer is encouraged to take enforcement action if that is what the officer believes is appropriate.

425.4.2 CAMPING ON PRIVATE PROPERTY

Camping on private property without the owner's permission should be handled as a trespass complaint. Owners of private property may allow individuals to camp, provided they do so in a manner consistent with provisions of the Ashland Camping Ordinance.

425.4.3 CAMPING IN CITY PARKS

Illegal campers found in City parks during hours the parks are closed may be cited or arrested for violation of park rules.

425.5 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal

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property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property. Items that have no apparent utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individual(s) from the camp site (ORS 203.079(d)).

All property collected for safekeeping shall be stored for a minimum of 30 days. The property and evidence technician shall ensure that reasonable efforts are made to inform the owner of status of the property and inform him/her of how and when such property may be claimed (ORS 203.079(d)).

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer.

425.6 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if the person consents and approved by a supervisor.

425.7 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Public Recording of Law Enforcement Activity

426.1 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.

426.2 POLICY

The Ashland 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.

426.3 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.

426.4 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.

426.5 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.

426.6 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.

First Amendment Assemblies

427.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

427.2 POLICY

The Ashland Police Department respects the rights of people to peaceably assemble. It is the policy of this [department/office] 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.

427.3 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/office] members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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427.3.1 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/office] 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.

427.4 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 Dispatch, 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.

427.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

427.5.1 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).

427.5.2 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.

427.5.3 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).

427.6 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.

427.7 USE OF FORCE

Use of force is governed by current [department/office] 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/office] shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

427.8 ARRESTS

The Ashland 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).

427.9 MEDIA RELATIONS

The Press 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).

427.10 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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427.11 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, Dispatch records/tapes
- (g) Media accounts (print and broadcast media)

427.11.1 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.

427.12 TRAINING

[Department/Office] members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The [Department/Office] should, when practicable, train with its external and mutual aid partners.

Medical Aid and Response

428.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

428.2 POLICY

It is the policy of the Ashland Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

428.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and 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 Dispatch 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 Dispatch 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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428.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

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.

428.5 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 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 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 forms accepting financial responsibility for treatment.

428.5.1 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. If possible and only if doing so would not jeopardize the well being of the prisoner, a supervisor should be contacted prior to taking a prisoner to a hospital.

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428.6 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.

428.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

428.8 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.

428.8.1 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 Division Commander 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 Dispatch as soon as possible and request response by EMS.

428.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

428.8.3 AED TRAINING AND MAINTENANCE

The Division Commander should ensure appropriate training is provided to members authorized to use an AED.

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The Division Commander is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

428.9 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).

428.9.1 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 Division Commander.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

428.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Division Commander will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements.

428.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Division Commander 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).

Chapter 5 - Traffic Operations

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/office] 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 Ashland 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/office] 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 Ashland 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 Ashland Police Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of [department/office] 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

Each patrol officer, CSO and Cadet shall be issued a high-visibility vest. 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.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Division Commander should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The Ashland 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 Traffic Division 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 Traffic Division 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 Traffic Division and to the Records Section for data entry into the Records Management System.. The Records Section will be responsible for monthly reports on traffic collision statistics to be forwarded to the Operations Division Commander and the Oregon Traffic Safety Commission as is needed

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. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property and does not involve another vehicle.

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 Ashland resulting in a serious injury or fatality, the supervisor should consider asking an outside agency such as OSP or the STAR Team to take over the investigation.

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 supervisor or Division Commander may request assistance from the Oregon State Police or the STAR Team for the investigation of any traffic collision involving any Ashland official or employee where a serious injury or fatality has occurred.

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Traffic Collision Reporting

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 with investigatory information present, or an officer issues a citation for a traffic violation. Any officer responding to a private property collision should run all vehicles and parties involved through dispatch allowing that information to be recorded in the CAD system.

501.4.5 TRAFFIC COLLISIONS HIGHWAYS

Traffic collision reports shall be taken when they occur on any highway within this jurisdiction unless authorized by a supervisor.

Vehicle Towing

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Ashland Police Department.

502.1.1 VEHICLE IMPOUND REQUIREMENTS

Officers may tow vehicles as a result of the following circumstances:

- (a) Abandoned vehicles.
- (b) Vehicles left standing in or partially blocking the roadway and constituting a hazard.
- (c) For safekeeping in the event the owner is arrested, cannot be located, or is incapable of caring for the vehicle.
- (d) As a recovered stolen vehicle.
- (e) A vehicle disabled in a collision.
- (f) As evidence pursuant to a criminal investigation.
- (g) When probable cause exists to believe the vehicle is subject to forfeiture under the Oregon Criminal Forfeiture Law, HB 3457, 2005.
- (h) When the operator is cited for one of the following traffic crimes and a public safety or community caretaking risk would result if the vehicle were left at the scene:
 1. Driving while suspended or revoked (Oregon Revised Statutes 809.720).
 2. Operating without driving privileges, or in violation of license restrictions (Oregon Revised Statutes 809.720).
 3. Driving while under the influence of intoxicants (Oregon Revised Statutes 809.720).
 4. Driving uninsured (Oregon Revised Statutes 809.720).

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)).

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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 a vehicle impound report. A copy is to be given to the tow truck operator and the original is to be submitted along with the incident report to the Records Division 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).

Once a vehicle impound report is approved and forwarded to the Records Division, it shall be placed into the auto-file at the front desk to be immediately available for release or for information should inquiries be made.

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, a company will be selected from the no preference towing company list in Dispatch.

If the owner is incapacitated, or for any reason it is necessary for the [Department/Office] to assume responsibility for a vehicle involved in a collision, the officer shall request the [dispatcher] to call a no preference towing company. 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/Office] 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.

502.2.4 [DISPATCHER]S RESPONSIBILITIES

Upon receiving a request for towing, the [dispatcher] shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

If the request is for no preference towing, the [dispatcher] shall call the firm whose name appears next on the No Preference Towing Service log and shall make appropriate entries on that form to ensure that the next firm is called on the next request.

502.2.5 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:

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- (a) That the vehicle has been taken into custody and towed; the identity of the appropriate towing authority and the statute, ordinance or rule under which the vehicle has been taken into custody and towed.
- (b) The location of the vehicle, or the telephone number and address of the authority that will provide that information.
- (c) That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice and the daily storage charges.
- (d) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.
- (e) That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and towing it, and to contest the reasonableness of the charges for towing and storage if a hearing is requested in a timely manner.
- (f) The time within which a hearing must be requested and the method for requesting a hearing.
- (g) That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession, and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority.

502.3 TOWING SERVICES

The City of Ashland periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- (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/Office] to tow a vehicle.

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

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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/office] 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.
- 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/Office] 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.

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- (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 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/Office] against fraudulent claims of lost, stolen, or damaged property.

502.6.1 RECORDS NOTIFICATION

Immediately after, or as soon as practical after a vehicle has been impounded, the officer shall call APD Records and provide the following information to be entered into LEDS:

- 1. Case number
- 2. License plate, state issued
- 3. Make, model, style, color

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4. Reason for the impound

5. Tow Company

After normal business hours the officer shall call Medford Records.

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 stay abreast of current case law and make every reasonable attempt to ensure all searches are conducted in accordance with applicable law.

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 Ashland 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.

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 Ashland 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

All requests for a hearing on an impounded vehicle shall be submitted in person, writing, or by telephone within five calendar days of the receipt of the Impound Notice. The person requesting the hearing may record the hearing at his/her own expense.

When requested, a hearing will be held at the Ashland Police Department within 72 hours of 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. 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).

If a decision is made that the vehicle was not impounded in a lawful manner or within department policy, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those [department/office] members who play a role in the detection and investigation of driving under the influence (DUI).

504.2 POLICY

The Ashland 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.

504.3 INVESTIGATIONS

Officers should not enforce DUII laws to the exclusion of their other duties unless specifically assigned to DUII enforcement. All officers are expected to enforce these laws with due diligence.

504.4 FIELD TESTS

Oregon Revised Statutes identify the primary Standardized Field Sobriety Tests (SFSTs) and any approved alternate tests for officers to use when investigating violations of DUII laws.

504.5 CHEMICAL TESTS

A person is deemed to have consented to a chemical test or tests under any of the following (ORS 813.100):

- (a) The arresting officer has reasonable grounds to believe that the person was DUII.
- (b) The person is arrested for DUII and takes a breath test that discloses a blood alcohol content of less than 0.08 percent.
- (c) The person is arrested for DUII and was involved in an accident resulting in injury or property damage.
- (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 DUII.
- (e) The officer has probable cause to believe that the person was DUII and that evidence of the offense will be found in the person's blood or urine and the person is unconscious or otherwise in a condition rendering the person incapable of expressly consenting to the test (ORS 813.140).

504.5.1 BREATH SAMPLES

The Oregon State Police (OSP) shall ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.

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Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the on duty supervisor or OSP.

504.5.2 BLOOD SAMPLES

Only persons authorized by law to withdraw blood shall collect blood samples (ORS 813.160). The withdrawal of the blood sample should be witnessed by the assigned officer. No officer, even if properly certified, should conduct the blood withdrawal.

Two samples should be drawn and retained as evidence, so long as only one puncture is required.

504.5.3 URINE SAMPLES

If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The officer shall follow the directions outlined in the Ashland Police Departments Property and Evidence Manual as well as the instruction provided in Oregon Implied Consent form on the proper handling of the urine sample.

An officer may not request that a person submit to a urine test unless the officer is certified by the Board on 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 a controlled substance, an inhalant, or any combination of 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).

The collection kit shall be marked with the person's name, offense, Ashland Police Department case number and the name of the witnessing officer. The collection kit should be frozen pending transportation for testing.

504.6 REFUSALS

When a person refuses to provide a chemical sample, officers should:

- (a) Advise the person of the requirement to provide a sample (ORS 813.100; ORS 813.131).
- (b) Document the refusal in the appropriate report.

504.6.1 STATUTORY NOTIFICATIONS

The arresting officer shall read the person the Department of Transportation form which informs the person of the rights and consequences of a test to determine the alcohol content of the person's blood (ORS 813.130). Upon refusal to submit to a chemical test as required by law, officers shall

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personally serve the written notice of intent to suspend upon the person and take possession of any Oregon state-issued license to operate a motor vehicle that is held by that person (ORS 813.100).

504.6.2 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 a lengthy time delay resulting from an accident investigation, medical treatment of the person or the time required for the application of a search warrant.

504.7 ARREST AND INVESTIGATION

504.7.1 REPORTING

The Operations Division Commander shall ensure that the Department complies with all state reporting requirements pursuant to ORS 181.550.

504.7.2 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.

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504.7.3 OFFENSE FOR REFUSAL

If a person refuses to submit to a chemical test of their Breath, Blood or Urine, the arresting officer may charge the person with a separate criminal offense (ORS 813.095).

504.7.4 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 in issue or of the person's blood or urine if the presence of a controlled substance or inhalant in the person's body is in issue (ORS 813.150).

504.7.5 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 Board on 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 a controlled substance, an inhalant, or any combination of 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).

504.8 RECORDS DIVISION RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.9 ADMINISTRATIVE HEARINGS

Officers subpoenaed to testify at an administrative hearing should take with them all appropriate reports and documents related to the DUII arrest. Officers who can not appear for the administrative hearing due to a Court conflict, illness, vacation or work event happening that causes the officer to miss the hearing shall have an Administrative Message sent to the Office of Administrative Hearings in Salem to have the hearing rescheduled.

504.10 TRAINING

The Support Division Commander should ensure that officers participating in the enforcement of DUII laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUII investigations. The Support Division Commander should confer with the prosecuting attorney's office and update training topics as needed.

Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

505.2 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 requests from citizens to dismiss a citation shall be referred to the Municipal Court.

An officer may determine that a traffic citation should be dismissed during a court proceeding in the interest of justice or where persecution is deemed inappropriate. In such cases, the officer may request that the court dismiss the citation.

505.3 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 Division.

505.4 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, or found to have been issued in error, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor.

505.5 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 Division.

Upon separation from employment with this department, all employees issued traffic citations books shall return any unused citations to the Records Division.

505.7 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.

Disabled Vehicles

506.1 PURPOSE AND SCOPE

Public safety, and the Ashland 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.

506.2 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.

506.3 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.

506.3.1 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.

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 Ashland 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.

One or more detectives shall be available 24 hours a day for criminal investigations and the processing of major crime scenes. The Jackson County Major Assault and Death Investigation Unit (MADIU) as well as the Oregon State Police crime lab are additional resource for processing of serious and involved crime scenes.

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 Division Commander.
 - 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.

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600.4 COLLECTION OR MAINTENANCE OF SPECIFIC INFORMATION

The collection or maintenance of information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership shall occur only when the information directly relates to a criminal investigation and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct (ORS 181A.250).

600.5 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.5.1 AUDIO/VIDEO RECORDINGS

Generally, except where circumstances make it impracticable, custodial interviews regarding felony offenses should be electronically recorded. When such custodial interviews are conducted in a law enforcement facility, electronic recording of the interview is mandatory absent good cause not to record if the interview is conducted (ORS 133.400):

- (a) In connection with an investigation into aggravated murder, as defined in ORS 163.095, or a crime listed in ORS 137.700 or ORS 137.707; or
- (b) With a juvenile under 18 years of age in connection with an investigation into a felony or an allegation that the juvenile being interviewed committed an act that would be a felony if committed by an adult.

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 Investigation Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes. Electronic recording of a custodial interview shall be preserved until the conclusion of the criminal proceeding or youth adjudication proceeding, including post-conviction relief and habeas corpus appeals are exhausted, or until the prosecution of the offense is barred by law (ORS 133.400).

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

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600.6 PHOTOGRAPHIC IDENTIFICATION OF SUSPECTS

When practicable, the employee composing and the employee presenting the photo lineup should not be directly involved in the investigation of the case. When this is not possible, the employee presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

The following precautions should be taken by any employee presenting a photographic lineup:

- (a) The person of interest or suspect in the photo lineup should not stand out from the other persons depicted in the photos.
- (b) At no time prior to, during or after the presentation of a photographic lineup should it be suggested to a witness that any person depicted in the lineup is a suspect or was in any way connected to the offense.
- (c) When practicable, the employee presenting the photographs to a witness should not know which photograph depicts the suspect.
- (d) The employee presenting the photographs to a witness should do so sequentially (i.e., showing the witness one photograph at a time) and not simultaneously. The witness should view all photographs in the lineup.
- (e) The position of the suspect's photo and filler photos should be placed in a different random order for each witness.
- (f) In order to avoid undue influence, witnesses viewing a photographic lineup should do so individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the photographic lineup with other witnesses.
- (g) An admonishment should be given to each witness that the suspect's photograph may or may not be among those in the lineup and that the witness is not required to make an identification.

The procedure employed and the results of any photographic lineup should be documented in the case report. A copy of the photographic lineup presented to the witness should be included in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the appropriate report.

600.7 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.

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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.

600.8 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.9 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/office]. 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/office] equipment.

Information obtained via the internet should not be archived or stored in any manner other than [department/office]-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

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600.9.1 ACCESS RESTRICTIONS

Information that can be accessed from any [department/office] 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.

600.9.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.10 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

Detective Call-Out

601.1 PURPOSE AND SCOPE

To establish a guideline when Detectives are called out and/or consulted after hours and a guideline on which cases are referred to the detective division for follow-up/reassignment or consultation.

601.2 CALL OUTS

A Detective will be called out immediately on the following type of cases: homicide/suspicious death or at the request of the Medical Examiner or major assaults with the possibility of death

A Detective will be notified on the following type of cases: rape/ sexual assaults which just occurred and there is a known crime scene (s), child abuse/neglect, armed robbery or any case where the Supervisor deems a Detective is necessary.

601.3 REFERRALS

The following type of cases shall be referred to the detective division for follow-up, reassignment or consultation:

- Major Fraud and Embezzlement cases
- High Profile cases involving city employees, political figures or SOU
- Serial crime waves
- Hate Crimes
- Felony cases involving follow-up with multiple agencies and jurisdictions
- Missing person cases over 30 days will be assigned to the Detective Sergeant
- Any case where the Supervisor deems a Detective necessary

This guideline does not automatically take the investigation away from the original officer. If an officer wants to complete their investigation they may be able to do so.

Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 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 Ashland Police Department seizes property for forfeiture or when the Ashland 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/office] member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the [Department/Office] 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.

602.2 POLICY

The Ashland 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 Ashland 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.

602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

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- (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):
 - (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.

602.3.2 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)

602.4 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.

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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.

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.

602.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Unit 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.

602.6 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/Office] 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.

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- (b) Serving as the liaison between the [Department/Office] 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 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/office] 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 Special Order. 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.

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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.
 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/Office] 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.

602.7 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).

602.7.1 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).

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602.8 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).

Confidential Informants

603.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Ashland Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

603.2 INFORMANT FILE SYSTEM

The Investigation Unit Supervisor or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

603.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

- (a) An informant checklist ensuring that all the required documentation is present.
- (b) Informant's confidential number, full name and any aliases.
- (c) Date of birth, height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features.
- (d) Current home address and telephone numbers.
- (e) Current employer(s), position, address(es) and telephone numbers.
- (f) Vehicles owned and registration information.
- (g) Places frequented.
- (h) Informant's photograph, fingerprints and criminal history.
- (i) Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable".
- (j) Name of officer initiating use of the informant.
- (k) Signed informant agreement, initialed by the Detective Supervisor indicating approval of individual for use as an informant.
- (l) Initialed copy of Oregon Revised Statutes 161.275 (Entrapment) indicating the informant has read and understood the statute.
- (m) Signature of the informant's true name and any assumed name.
- (n) Written authorization required as a result of the informant being a corrections client, juvenile or defendant.

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- (o) A log of all activity and the expenditure of all confidential funds associated with the informant.
- (p) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area within the Investigation Unit. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, a Division Commander, the Investigation Unit Supervisor, or their designees.

603.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the Investigation Unit Supervisor. The officer shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

603.3.1 JUVENILE INFORMANTS

The use of juvenile confidential informants is discouraged due to a number of risks. They will only be used when the investigation is of such a nature as to justify the risks. The district attorney should be consulted and a parent or legal guardian's written consent shall be secured. Final approval to use a juvenile confidential informant must be obtained from the Chief of Police.

603.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

603.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Ashland Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Ashland Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

- (a) Officers shall not withhold the identity of an informant from their superiors
- (b) Identities of informants shall otherwise be kept confidential
- (c) Criminal activity by informants shall not be condoned

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- (d) Informants shall be told they are not acting as police officers, employees or agents of the Ashland Police Department, and that they shall not represent themselves as such
- (e) The relationship between officers and informants shall always be ethical and professional
- (f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Investigation Unit supervisor
- (g) Officers shall not meet with informants unless accompanied by at least one additional officer or with prior approval of the Investigation Unit Supervisor. All exchanges of confidential funds between officers and informants must be witnessed by at least one other officer
- (h) In all instances when Department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses. The voucher shall be signed by the informant using either their true name or a pseudonym registered with a signature in the informant packet. The voucher will also include the case number associated with the expenditure and a description of the benefit obtained (search warrant, arrest, recovered property, etc.)

603.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

603.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential 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 amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The Investigation Unit Supervisor will discuss the above factors with the Operations Division Commander and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police. For the purchase of drugs or property, the amount of payment will generally be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15%.

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603.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

- (a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized.
- (b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized.

603.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The Chief of Police and the City Administrator's signatures are required for disbursements over \$500. Payments \$500 and under may be paid in cash out of the Investigation Unit Buy/Expense Fund. The Investigation Unit Supervisor will be required to sign the cash transfer form for amounts under \$200. The Chief of Police must sign transfer amounts over \$200.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Ashland Police Department case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informant's file.

If the payment amount exceeds \$500, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Each confidential informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

603.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed 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 confidential informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential 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 confidential informant's file.

Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

604.1.1 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.

604.2 POLICY

The Ashland 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.

604.3 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.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigation Unit 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.

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- (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.

604.5 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.

604.5.1 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

Eyewitness Identification

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.

604.5.2 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.
- (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.

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- (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.

604.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the 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.

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 Ashland Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The Ashland 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 Ashland 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., confidential informant or protected personnel files); 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 whether evidence or facts are material, 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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Brady Material Disclosure

605.4 DISCLOSURE OF PERSONAL 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.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

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.

Warrant Service

606.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

606.2 POLICY

It is the policy of the Ashland Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

606.3 OPERATIONS DIVISION COMMANDER

The Operations Division Commander (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The Operations Division Commander will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

606.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the Operations Division Commander for review and classification of risk (see the Operations Planning and Deconfliction Policy).

606.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the Operations Division Commander for review and classification of risk (see the Operations Planning and Deconfliction Policy).

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If the warrant is classified as high risk, service will be coordinated by the Operations Division Commander. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

606.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

606.7 HIGH-RISK WARRANT SERVICE

The Operations Division Commander or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed. An Ashland Police Department supervisor, the rank of Sergeant or above, shall be present during the service of all high-risk warrants.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

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- (b) The warrant service is video-recorded when practicable and reasonable to do so. The warrant service may be audio-recorded with notice to all parties to a conversation that a recording is being made unless otherwise permitted in the warrant or ORS 133.726 (ORS 165.540).
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

606.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

606.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

Warrant Service

606.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Operations Division Commander will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Operations Division Commander. The Operations Division Commander should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Operations Division Commander should ensure that members of the Ashland Police Department are utilized appropriately. Any concerns regarding the requested use of Ashland Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the Operations Division Commander is unavailable, the Supprt Division Commander should assume this role.

If officers intend to serve a warrant outside Ashland Police Department jurisdiction, the Operations Division Commander should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Ashland Police Department when assisting outside agencies or serving a warrant outside Ashland Police Department jurisdiction.

606.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

606.12 TRAINING

The Support Division Commander should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Operations Planning and Deconfliction

607.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

607.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

607.2 POLICY

It is the policy of the Ashland Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

607.3 OPERATIONS DIVISION COMMANDER

The Operations Division Commander will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The Operations Division Commander will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The Operations Division Commander will also have the responsibility for coordinating operations that are categorized as high risk.

607.4 RISK ASSESSMENT

607.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

607.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the Operations Division Commander.

The supervisor and Operations Division Commander shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

607.4.3 HIGH-RISK OPERATIONS

If the Operations Division Commander, after consultation with the involved supervisor, determines that the operation is high risk, the Operations Division Commander should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - 1. S.W.A.T.
 - 2. Additional personnel
 - 3. Outside agency assistance
 - 4. Special equipment
 - 5. Medical personnel
 - 6. Persons trained in negotiation

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7. Additional surveillance
 8. Canines
 9. Property and Evidence Unit or analytical personnel to assist with cataloguing seizures
 10. Forensic specialists
 11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
 - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
 - (d) Coordinate the actual operation.

607.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

607.6 OPERATIONS PLAN

The Operations Division Commander should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present,

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- information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.
- (k) Communications plan
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

607.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule. The Operations Plan shall be clearly marked 'NOT FOR PUBLIC RELEASE'.

607.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and

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responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The Operations Division Commander shall ensure that all participants are visually identifiable as law enforcement officers.
 - 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - 1. It is the responsibility of the Operations Division Commander to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
 - 2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

607.8 S.W.A.T. PARTICIPATION

If the Operations Division Commander determines that S.W.A.T. participation is appropriate, the Operations Division Commander and the S.W.A.T. supervisor shall work together to develop a written plan. The S.W.A.T. supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the S.W.A.T. supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

607.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

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607.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any S.W.A.T. debriefing.

607.11 TRAINING

The Supprt Division Commander should ensure officers who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Sexual Assault Investigations

608.1 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.

608.1.1 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.

608.2 POLICY

It is the policy of the Ashland 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.

608.3 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).

Sexual Assault Investigations

608.4 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.

608.5 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 Investigation Unit 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.

608.6 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.

608.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, 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.

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An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change 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.

608.7.1 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).

608.8 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.

608.8.1 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/Office] 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/Office] 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).

Sexual Assault Investigations

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).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

608.8.2 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.

608.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigation Unit supervisor.

Classification of a sexual assault case as unfounded requires the Investigation Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

608.10 CASE REVIEW

The Investigation Unit 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

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's 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) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent 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) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

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Department Owned and Personal Property

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

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 Ashland 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.

701.2.1 PCD USE FOR DIGITAL EVIDENCE

If a departmental PCD is used to document digital evidence such as digital photographs and audio/video files, officers shall follow the same guidelines as outlined in the Mobile Audio Video policy, the Mobile Digital Computer Use policy, the Portable Audio/Video Recorders policy and the Computers, Digital Evidence and Handling of Visual Recordings policy. Furthermore, any digital evidence collected shall be stored as outlined in the APD Evidence Manual.

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 [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.

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Personal Communication Devices

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.

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 Ashland 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.

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Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from 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:

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Personal Communication Devices

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
- (c) Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (ORS 811.507). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, including, but not limited to, the lack of a working siren, emergency lights and/or radio communications, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

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 taken off site for maintenance, service or repair when the vehicle will be left unattended at those locations.

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 shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 12 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask

Vehicle Maintenance

- 1 Blanket
- 1 Fire extinguisher
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 3 Hazardous waste disposal bags
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection supplies
- 6 Traffic Cones

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

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.

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Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

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, weapons, 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 Ashland to provide assigned take-home vehicles.

703.2 POLICY

The Ashland Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

City-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate a City-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDC and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

703.3.1 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out, according to current procedures, prior to taking it into service.

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 the shift. 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.

All vehicles used in patrol operations are equipped with a police radio and emergency equipment as defined by ORS 816.250 and OAR 735-110-0010 through OAR 735-110-0050. Vehicles with defective emergency equipment should be promptly reported to a supervisor and not used for patrol duties.

703.3.2 UNMARKED VEHICLES

Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned.

All of the department's unmarked vehicles are equipped with emergency lighting and siren that meet the state definition of an emergency vehicle. While these vehicles are authorized emergency vehicles, operators need to bear in mind that they are not marked, and are not as easily identified

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as police vehicles. Therefore, while code 3 responses and pursuits are permissible with these vehicles, they should be avoided whenever possible. If an unmarked is required to be used in a pursuit it should be withdrawn as soon as marked vehicles are able to take over the pursuit.

703.3.3 AUTHORIZED PASSENGERS

Members operating City-owned vehicles shall not permit persons other than City members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

703.3.6 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than a member 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 officer shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

703.3.6 PRIVACY

All City-owned 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.

703.4 KEYS

Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. Vehicles which allow only a limited number of ignition keys to be produced shall have those keys kept on the key board located directly outside the patrol sergeant's office when the vehicles are not in use. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

703.4.1 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Ashland Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers shall, at all times while driving a marked City-owned vehicle, be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.5 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).

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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 Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors shall make, at the minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

703.7.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Division Commander.

Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.2 POLICY

It is the policy of the Ashland Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

704.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

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Cash Handling, Security and Management

704.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Investigation Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

704.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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/Office] 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, 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 Division 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 Division Commander. 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 and evidence technician 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 and evidence technician, 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 and evidence technician, or placed in the bicycle storage area until a property and evidence technician 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 Division Commander shall be contacted for cash in excess of \$1,000 for special handling procedures
- (e) Marijuana, it is the policy of the Ashland Police Department to return lawfully possessed marijuana back to the owner. Keeping this in mind, officers who arrest someone who is lawfully in possession of marijuana are encouraged to have the marijuana turned over to a person of the owner's choosing if someone is immediately available, however if that is not possible the marijuana can be stored like any other property in the APD property section to be returned later.

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 and evidence technician 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 Ashland 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

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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 Investigation Unit Division, which shall assign a detective to ensure their proper collection and preservation. When a medical facility notifies this [department/office] 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 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 Records Supervisor 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

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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.

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 two 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. The chain of evidence shall be recorded on the back of this tag.

800.5 RECORDING OF PROPERTY

The property and evidence technician 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 Ashland Police Department shall be noted in the property logbook.

800.6 PROPERTY ROOM SECURITY

Access to the Property Room is limited to property and evidence technicians 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 and evidence technician.

Annual independent audits will be completed of the Property Room function with an audit report to the Chief of Police.

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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 and evidence technician. 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 and evidence technician 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 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 Division 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 on the property control card, stating the date, time and to whom released.

The property and evidence technician 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 property control card, 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 and evidence technician without further authorization. A property and evidence technician 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 Division 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

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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 and evidence technician 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 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 Ashland 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 Ashland Police Department may wish to file an interpleader to resolve the disputed claim (ORCP 31).

800.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Investigation Unit will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this [department/office].

800.6.8 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.

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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/Office] 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/Office] 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 and evidence technician 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 Ashland Police Department as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of the Ashland 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

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800.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Unit supervisor shall ensure that no biological evidence held by the [Department/Office] is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) The Investigation Unit Division supervisor

Biological evidence shall be retained for a minimum period established by law (ORS 133.707), the Property and Evidence Unit 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/Office] 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 Investigation Unit Division 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 Investigation Unit Division Commander should be consulted and the sexual assault victim should be notified.

The Property and Evidence Unit 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/Office] 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/Office] shall be conducted by a Division Commander appointed by the Chief of Police who is not routinely or directly connected with evidence control.

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- (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.

Records Division

801.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Ashland Police Department Records Division. The policy addresses [department/office] file access and internal requests for case reports.

801.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Division by Records Division personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 09-00001 would be the first new case beginning January 1, 2009.

801.1.2 RECORDS RETENTION

All Department records shall be retained and purged in a manner consistent with applicable provisions of the Oregon Revised Statutes and Oregon Administrative Rules.

801.2 POLICY

It is the policy of the Ashland Police Department to maintain [department/office] records securely, professionally, and efficiently.

801.3 FILE ACCESS AND SECURITY

The security of files in the Records Division 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/office] case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Division, and accessible only by authorized members of the Records Division. Access to case reports or files when Records Division staff is not available may be obtained through the Division Commander.

The Records Division will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

801.4 CONFIDENTIALITY

Records Division staff has access to information that may be confidential or sensitive in nature. Records Division 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 Division procedure manual.

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801.5 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 Division personnel to enter such information into the Ashland 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).

801.6 ORDERS TO SEAL OR SET ASIDE REPORTS

Court orders to seal or "set aside" reports are to be complied with as soon as possible.

Upon receiving such an order, the hard copy of the report shall be placed in a tamper resistant evidence envelop and sealed.

Electronic reports subject to the order to seal shall be electronically moved to a separate electronic file that is accessible only by the system administrator.

Sealed reports are not to be unsealed unless, and until, the Ashland Police Department received a subsequent court order that supersedes the original.

Records Maintenance and Release

802.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of [department/office] records. Protected information is separately covered in the Protected Information Policy.

802.2 POLICY

The Ashland Police Department is committed to providing public access to records in a manner that is consistent with the Oregon Public Records Law.

802.3 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/Office], including the retention, archiving, release, and destruction of [department/office] public records (OAR 166-017-0005 et seq.; OAR 166-030-0005 et seq.).
- (b) Maintaining and updating the [department/office] records retention schedule, including:
 1. Identifying the minimum length of time the [Department/Office] must keep records.
 2. Identifying the [department/office] division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of [department/office] 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/office] records as well as the amounts and the manner of calculating fees for responding to requests for public records (ORS 192.324(7)).

802.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any [department/office] member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

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802.4.1 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 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/County Attorney], the [Department/Office] will have the burden to support the denial (ORS 192.401; ORS 192.415).

802.4.2 JUVENILE RECORDS

Juvenile records are treated differently from records of adults. When an officer submits a report in which the victim or suspect is a juvenile, the officer will stamp "Juvenile" on the first page of the report.

Except as defined in this section, reports involving juveniles are generally confidential and may not be released. Any requests for reports or records involving juveniles not specifically authorized by this policy should be referred to the County Juvenile Department (ORS 419A.255(2); ORS 419A.255(8)).

- (a) If a youth is taken into custody under circumstances where he/she could be arrested without a warrant if an adult, or pursuant to an order of the Juvenile Court, the following information shall be disclosed unless, and only for so long as, 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 (ORS 419A.255(7)):
 - 1. The youth's name and age and whether the youth is employed or in school.
 - 2. The youth offense for which the youth was taken into custody.
 - 3. The name and age of the adult complaining party and the adult victim, unless the disclosure of such information is otherwise prohibited or restricted.
 - 4. The identity of the investigating and arresting agency.
 - 5. The time and place that the youth was taken into custody and whether there was resistance, pursuit or a weapon used in taking the youth into custody.
- (b) Any additional information is kept confidential unless requested by one of the following (ORS 419A.255; ORS 419A.257):
 - 1. Other public agencies for use in investigating or prosecuting cases in which the juvenile in question is somehow involved.

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2. Department of Human Services, Child Welfare Division, Oregon Youth Authority or the local Juvenile Department.
- (c) Child abuse cases may only be made available to a law enforcement agency, local or state prosecutors, a child welfare agency or other entities as designated by law (ORS 419B.035).
- (d) Court appointed special advocates (i.e., CASA volunteer or employee) will be permitted to inspect and copy any records held by this department relating to the child or ward involved in a case and members of this department may consult with the court appointed special advocate regarding the case. Consent of the child, ward or parents to the sharing of such information is not required (OAR 413-010-0045(4)).

802.4.3 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/Office] 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/Office] is the custodian of the requested record.
 2. The [Department/Office] is not the custodian of the requested record.
 3. The [Department/Office] is uncertain whether the [Department/Office] 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).

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1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio/video, a copy of the redacted audio/video release should be maintained in the [department/office]-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/Office] is not the custodian of records for the record requested.
4. A written statement that state or federal law prohibits the [Department/Office] 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/Office].
- (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/Office] has waived the fee. If the fee is not paid within 60 days of informing the requester of the fee or the [Department/Office] 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).

802.5 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/office] record, including traffic collision reports, is restricted except as authorized by the [Department/Office], 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).

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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.
- (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,

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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/Office] (ORS 131.935).
- (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.

802.5.1 MEDICAL RECORDS, SEALED RECORDS, IN CUSTODY RECORDS AND STUDENT RECORDS

The following records are exempt from disclosure under ORS 192.496:

- (a) Records that contain information about the physical or mental health, or treatment thereof, of a living individual; if the public disclosure thereof would constitute an unreasonable invasion of privacy. The party seeking disclosure shall have the burden of showing by clear and convincing evidence that the public interest requires disclosure in the particular instance and that public disclosure would not constitute an unreasonable invasion of privacy.
- (b) 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.
- (c) Records of a person who is or 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 a period of 25 years after termination of such custody or supervision to the extent that disclosure thereof would interfere with the rehabilitation of the person if the public interest in confidentiality clearly outweighs the public interest in disclosure. Nothing in this subsection, however, shall be construed as prohibiting disclosure of the fact that a person is in custody.

802.5.2 CONDITIONALLY EXEMPT PUBLIC RECORDS

The following public records will not be released unless the public interest requires disclosure (Oregon Revised Statutes 192.501):

- (a) Records pertaining to any litigation to which the Department is, or is likely to be a party except where litigation which has been concluded.

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- (b) Any record pertaining to department operations or the use and deployment of personnel and equipment, if disclosure would endanger public safety or jeopardize a law enforcement activity.
- (c) Records or information that would disclose or jeopardize security measures taken by the Department to protect department members, property or operations.

802.5.3 OTHER PUBLIC RECORDS EXEMPT FROM DISCLOSURE

The following public records are generally exempt from disclosure and absent a court order or other legal process shall not be released except with the expressed authorization of the Chief of Police or his/her designee (ORS 192.502 et seq.):

- (a) Specific records containing the home address, personal telephone number, or e-mail address of any individual who has previously submitted a written request of non-disclosure in accordance with rules established by the Attorney General.
- (b) Information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if public disclosure would constitute an unreasonable invasion of privacy.
- (c) Personal information of any member of or volunteer of this department including addresses, Social Security numbers, dates of birth and telephone numbers.
- (d) Any public record or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon or Federal law.

802.5.4 PERSONNEL RECORDS

Certain information contained in personnel records is confidential and is also exempt from public disclosure. The following information shall not be released unless the public interest requires disclosure in the particular instance as determined by a court or other legal process (ORS 181.854; ORS 192.501(12); ORS 192.502(2)):

- (a) Medical information contained in medical records and similar uniquely personal information which, if released, would constitute an unreasonable invasion of privacy.
- (b) Records, materials, or documents supporting a personnel investigation that is pending or ongoing or has resulted in discipline of the involved employee.
- (c) Photographs that identify an employee, unless the employee consents in writing.
- (d) Audio or video records of internal investigation interviews (ORS 192.405).

Any release of such information must be reviewed by department legal counsel and approved by the Chief of Police. Although exempt from public disclosure, such records and information may be subject to discovery in civil or criminal proceedings or as detailed in ORS 192.405. In such a situation, the Ashland Police Department will oppose disclosure unless the court specifically orders the release.

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802.5.5 CONCEALED HANDGUN LICENSE

Information contained in Concealed Handgun License applications or other files that contain personal, medical, or similar information, if public disclosure would constitute an unreasonable invasion of privacy, shall not be made public (ORS 192.502).

No member of this department shall disclose records or information that identifies a person as a current or former holder of, or applicant for, a concealed handgun license, except as provided in the Oregon Public Records Law and OAR 137-004-0900.

802.6 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/County 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/Office] so that a timely response can be prepared.

802.6.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, Social Security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record 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 (ORS 802.181 and 18 USC § 2721).

802.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the [department/office] name and to whom the record was released.

Each audio/video recording released should include the [department/office] name and to whom the record was released.

802.8 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):

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- (a) Notice shall be made to any individual whose private or confidential data was or is reasonably believed to have been breached. Notice shall be provided in the most expeditious manner possible, without unreasonable delay, but not later than 45 days after becoming aware of the breach, unless the notice impedes a criminal investigation.
 - 1. The notice shall be made as set forth in ORS 646A.604 and include a general description of the breach of security; the approximate date of the breach; the type of information that was compromised; the contact information for the person providing the notice; the contact information for national consumer reporting agencies; and that any suspected identity theft should be reported to law enforcement, the Attorney General, and the Federal Trade Commission.
- (b) When notice is delayed because it will impede an active criminal investigation, the member in charge of the investigation must document the reason why a delay in notification is necessary to the investigation.
- (c) Provide substitute notice if notification would cost more than \$250,000 or if there were more than 350,000 individuals whose personal information was breached.
- (d) If notification is required to be made to more than 1,000 individuals, the Ashland Police Department should also notify consumer reporting agencies.
- (e) Provide notice to the Oregon Attorney General if the breach involves the personal information of more than 250 people along with a copy of any notice sent to individuals whose personal information was affected.
- (f) Document when a breach of security is unlikely to cause any harm and does not require notification. In these cases, the documentation shall be maintained for at least five years.

Protected Information

803.1 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 Ashland Police Department. This policy addresses the protected information that is used in the day-to-day operation of the [Department/Office] and not the public records information covered in the Records Maintenance and Release Policy.

803.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Ashland 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.

803.2 POLICY

Members of the Ashland 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.

803.3 RESPONSIBILITIES

The Chief of Police shall select a member of the [Department/Office] 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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803.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Ashland 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.

803.4.1 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).

803.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the [Department/Office] 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 Division 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/office] 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.

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Protected Information

803.5.1 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).

An individual may review his/her local record on file with the [Department/Office] under the provisions of ORS 192.345(3), and after complying with all legal requirements.

This [department/office] 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.

803.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the [Department/Office] 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.

803.6.1 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).

803.7 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.

803.7.1 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/Office] every two years (OAR 257-015-0050).

Volunteers in Police Service Program

804.1 PURPOSE AND SCOPE

This policy establishes this department's position on the utility and management of its volunteer program and provides guidance on its management and administration.

804.1.1 POLICY

Volunteers can be an important part of any organization and are proved to be a valuable asset to law enforcement agencies. Volunteers help to increase police responsiveness, service delivery, and information input, and they provide new program opportunities. In addition, volunteers can bring new skills and expertise to the job and prompt new enthusiasm. It is the policy of this police department to use qualified volunteers for specified tasks and duties that can create efficiencies for the department and improve services to the community. Volunteers are not sworn officers and are intended to supplement and support, rather than supplant, sworn officers and civilian personnel.

804.1.2 DEFINITIONS

Volunteer - Someone who performs service for the department without promise, expectation, or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, and persons providing administrative support.

804.2 ADMINISTRATION

804.2.1 VOLUNTEER PROGRAM DIRECTOR

The Volunteer Program Director; or his or her designee, shall be responsible for the following:

- (a) Recruiting, selecting, and training qualified volunteers for various Positions
- (b) Ensuring the maintenance of employment records for each volunteer
- (c) Approving all changes and revisions in the policies and responsibilities for all volunteers
- (d) Maintaining a record of volunteer schedules and work hours
- (e) Planning periodic recognition events
- (f) Administering discipline when warranted
- (g) Ensuring all paid personnel, sworn and non-sworn treat volunteers as professional assistants and aid them to feel they are a part of the team

804.2.2 VOLUNTEER COORDINATOR

The volunteer coordinator shall be responsible for the following:

- (a) Assisting in the recruitment, selection, and training qualified volunteers for various positions
- (b) Maintaining employment records for each volunteer

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Volunteers in Police Service Program

- (c) Maintaining the volunteer handbook which outlines expectations, policies and responsibilities for all volunteers
- (d) Completing and disseminating as appropriate, all necessary paperwork and information
- (e) Assist in planning periodic recognition events
- (f) Act as Program Director in the Directors absence

804.2.3 VOLUNTEER REQUESTS

All requests for volunteers shall be routed through the designated chain of command for review and volunteer selection.

804.3 RECRUITMENT

Volunteers shall be recruited on a continuous and ongoing basis consistent with this department's policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the applicant process shall be an interest in and an ability to assist the agency in serving the public.

804.3.1 APPLICATION FORM

All prospective volunteers shall complete the volunteer application form. The volunteer coordinator, or designee, shall conduct a face-to-face interview with an applicant under consideration. A document background investigation shall be completed on each volunteer applicant and shall include but not necessarily be limited to the following:

- (a) Traffic and criminal record (including fingerprinting)
- (b) Employment
- (c) References

804.3.2 LETTER OF CONFIRMATION

Upon their selection, applicants shall receive a confirmation letter prior to the start of service.

804.3.3 VOLUNTEER HANDBOOK

All volunteers shall receive a copy of the Ashland Police Department Volunteer Handbook.

804.3.4 VOLUNTEER AGREEMENT

All volunteers shall be required to sign a volunteer agreement.

804.3.5 VOLUNTEER PLACEMENT

Volunteers shall be placed only in job assignments or programs that are consistent with their knowledge, skills, abilities, and the needs of the agency.

804.4 TRAINING

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Volunteers in Police Service Program

804.4.1 ORIENTATION PROGRAM

Volunteers shall 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.

804.4.2 POSITION SPECIFIC TRAINING

Volunteers shall receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position.

804.4.3 ONGOING TRAINING

Volunteers shall receive periodic ongoing training as deemed appropriate by their supervisor or volunteer coordinator.

804.4.4 FALSE REPRESENTATION TRAINING

Training shall 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.

804.5 RULES OF CONDUCT

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the department.

804.5.1 IMPAIRED ABILITIES

No volunteer shall report to work or be on duty when his or her judgment or physical condition has been impaired by alcohol, medication, other substances, illness, or injury.

804.5.2 STATUS CHANGES

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:

Driver's license

Medical condition

Arrests

Criminal investigations

804.5.3 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police. Termination of volunteers shall not be subject to due process considerations and volunteers shall have no property interests in their continued employment.

804.6 DRESS CODE

804.6.1 DUTY ASSIGNMENT

Volunteers shall conform to department approved dress consistent with their duty assignment.

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804.6.2 AUTHORIZED UNIFORMS

Uniforms authorized for volunteers shall be readily distinguishable from those worn by sworn officers.

804.6.3 OFF DUTY

No volunteer shall wear his or her uniform or identifiable parts of that uniform while off duty.

804.6.4 UNIFORM RETURN

Volunteers shall be required to return any issued uniform or agency clothing at the termination of service.

804.7 CONFIDENTIALITY

804.7.1 HANDLING ALL POLICE INFORMATION

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 police 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.

804.7.2 NON-DISCLOSURE CONFIDENTIALITY AGREEMENT

Each volunteer shall sign a nondisclosure agreement. Subsequent disclosure of any confidential information, verbally, in writing, or by any other means, shall be grounds for immediate dismissal and possible criminal prosecution.

804.7.3 PUBLIC SPEAKING

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 agency, or maintain that they represent the agency in such matters without permission from the proper agency personnel.

804.8 PROPERTY AND EQUIPMENT

804.8.1 IDENTIFICATION CARD

Volunteers shall be issued an identification card that must be carried at all times while on duty.

804.8.2 FIXED OR PORTABLE EQUIPMENT

Any fixed or portable equipment issued by this agency shall be for official and authorized use only.

804.8.3 DEPARTMENT ISSUED PROPERTY

Any property or equipment issued to a volunteer shall remain the property of this agency and shall be returned at the termination of service.

804.8.4 EVALUATION

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Volunteers in Police Service Program

804.8.5 PROGRAM EVALUATION

An evaluation of the overall volunteer program shall be conducted on an annual basis.

Computers, Digital Evidence and Handling of Visual Recordings of Sexually Explicit Conduct Involving a Child

805.1 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. This policy also defines how Law Enforcement Officers and Property Personnel will handle cases involving visual recordings of sexually explicit conduct involving a child.

805.1.1 DEFINITIONS

Visual recording(s) of sexually explicit conduct involving a child - Any visual recording in any format that displays sexually explicit conduct involving a real person less than 18 years of age. Commonly referred to as 'Child Pornography.' Refer to Oregon Revised Statute 163.655 and 18 U.S. Code 2256 for complete definitions.

NMEC - The National Center for Missing and Exploited Children

805.2 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).

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- (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 Unit. 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.
- (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.

805.2.1 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.

805.2.2 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).

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- (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.

805.3 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.
- (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.

805.4 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.

805.5 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.

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805.5.1 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.

805.5.2 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 Unit as soon as possible for submission into evidence.
- (b) Officers are not authorized to review or copy memory cards. The property and evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.
- (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. The card and carrier should be placed into a zip-lock bag. Officers shall write their name and the related case number on the outside of the bag before placing in the film drop box along with the evidence form.
- (d) The property and evidence technician 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 and evidence technician will erase the memory card for re-use. The storage media will be marked as the original.
- (e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

805.5.3 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.

805.5.4 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.

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- (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.

805.6 INVESTIGATIONS

Only Law Enforcement Officers and Property Personnel are allowed to have access to visual recordings of sexually explicit conduct involving a child and only for activity undertaken in the course of bona fide law enforcement activity or necessary to the proper functioning of the criminal justice system.

Below are some guidelines for handling investigations involving visual recordings of sexually explicit conduct involving a child:

- a) Officers will not allow visual recordings of sexually explicit conduct involving a child to be maintained outside of Law Enforcement Officers' or Property Personnel's control.
- b) Law Enforcement Officers shall not mail, email, or distribute visual recordings of sexually explicit conduct involving a child in any form except in strict accordance with US Code and Oregon Revised Statutes.
- c) Officers will not initiate proactive investigations involving visual recordings of sexually explicit conduct involving a child without prior permission from supervisor.
- d) Officers shall not use any one as an agent for investigations relating to visual recordings of sexually explicit conduct involving a child without prior permission from a supervisor.
- e) Officers will use approved law enforcement equipment and services, including Internet Service Providers, for investigations involving visual recordings of sexually explicit conduct involving a child. Officer will not use any personal devices to access or store visual recordings of sexually explicit conduct involving a child.
- f) If a visual recording of sexually explicit conduct involving a child is known to be available on the Internet, digital device, or in printed form, officers will make reasonable efforts to retrieve, stop access, or seize the visual recordings of sexually explicit conduct involving a child.
- g) Officers shall not return any device to the owner, including the victim, of the device if there is probable cause to believe it contains visual recordings of sexually explicit conduct involving a child, except by court order.

805.7 PROPERTY AND EVIDENCE

- a) Visual recordings of sexually explicit conduct involving a child must be stored within the secured evidence room. If store in digital format, there shall not be remote access to digital evidence outside of the police department.

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- b) All evidence known or suspected to contain visual recordings of sexually explicit conduct involving a child will be clearly marked as 'Contraband' by the submitting officer and the 'Contraband' mark will be maintained by Property Personnel.
- c) Visual recordings of sexually explicit conduct involving a child will not be released to or transported by anyone other than Law Enforcement Officers or Property Personnel.
- d) All evidence known or suspected to contain visual recordings of sexually explicit conduct involving a child will not be released outside of our agency without the recipient signing acknowledgement that they are receiving contraband.
- e) All evidence known to or there is probable cause to believe that it contains visual recordings of sexually explicit conduct involving a child will not be released to anyone outside of law enforcement without a court order.
- f) Defense attorneys will need to make prior arrangements with our agency and the prosecutor to view visual recordings of sexually explicit conduct involving a child. Defense attorneys will view the material at a law enforcement controlled facility. Defendants will not have access to visual recordings of sexually explicit conduct involving a child without their attorney present. Exceptions will be made if ordered by court.

Jeanne Clery Campus Security Act

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this [department/office] fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

806.2 POLICY

The Ashland Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Ashland Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Ashland Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Ashland Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

806.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

- (a) Ensure that the Ashland Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into agreements as appropriate with local law enforcement agencies to:
 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)),
 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)),
 3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
 4. Notify the Ashland Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).

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5. Notify the Ashland Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
- (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
- (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
- (f) Appoint a designee to make the appropriate notifications to staff at the institution regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

806.4 RECORDS COLLECTION AND RETENTION

The Records Supervisor is responsible for maintaining Ashland Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this [department/office] or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
 1. Murder
 2. Sex offenses, forcible or non-forcible
 3. Robbery
 4. Aggravated assault
 5. Burglary
 6. Motor vehicle theft
 7. Manslaughter
 8. Arson

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9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
 10. Dating violence, domestic violence and stalking
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
 - (c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7) and 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur (20 USC § 1092(f)(12) and 34 CFR 668.46(c)(5)):
 1. On campus.
 2. In or on a non-campus building or property.
 3. On public property.
 4. In dormitories or other on-campus, residential or student facilities.
 - (d) Statistics will be included by the calendar year in which the crime was reported to the Ashland Police Department (34 CFR 668.46(c)(3)).
 - (e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
 - (f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
 - (g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

806.4.1 CRIME LOG

The Records Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the Ashland Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the [Department/Office].

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- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police [department/office] or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
 - 1. Disclosure of the information is prohibited by law.
 - 2. Disclosure would jeopardize the confidentiality of the victim.
 - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

806.5 INFORMATION DISSEMINATION

It is the responsibility of the Support Division Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e) and (g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:
 - 1. Crime statistics and the policies for preparing the crime statistics.
 - 2. Crime and emergency reporting procedures, including the responses to such reports.
 - 3. Policies concerning security of and access to campus facilities.
 - 4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including:
 - (a) Procedures victims should follow.
 - (b) Procedures for protecting the confidentiality of victims and other necessary parties.
 - 5. Enforcement policies related to alcohol and illegal drugs.

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Jeanne Clery Campus Security Act

6. Locations where the campus community can obtain information about registered sex offenders.
7. Emergency response and evacuation procedures.
8. Missing student notification procedures.
9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

Physical Protection Policy

807.1 PURPOSE

The purpose of this policy is to provide guidance for agency personnel, support personnel, and private contractors/vendors for the physical, logical, and electronic protection of Criminal Justice Information (CJI). All physical, logical, and electronic access must be properly documented, authorized and controlled on devices that store, process, or transmit unencrypted CJI. This Physical Protection Policy focuses on the appropriate access control methods needed to protect the full lifecycle of CJI from insider and outsider threats.

This Physical Protection Policy was developed using the FBI's CJIS Security Policy 5.1 dated July 13, 2012. The intended target audience is Ashland Police personnel, support personnel, and private contractor/vendors with access to CJI whether logically or physically. The local agency may complement this policy with a local policy; however, the CJIS Security Policy shall always be the minimum standard and local policy may augment, or increase the standards, but shall not detract from the CJIS Security Policy standards.

807.2 DEFINITIONS

Physically Secure Location:

A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the FBI CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls. Security perimeters shall be defined, controlled, and secured. Restricted non-public areas in the Ashland Police Department shall be identified with a sign at the entrance.

Visitors Access:

A visitor is defined as a person who visits the Ashland Police Department facility on a temporary basis who is not a member of the Ashland Police Department and has no unescorted access privileges to the physically secure location within the Ashland Police Department where FBI CJI and associated information systems are located. For agencies with jails with CJIS terminals, additional visit specifications need to be established per agency purview and approval.

807.3 PROCEDURES FOR VISITORS

Visitors shall:

- (a) Check in before entering a physically secure location by:

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1. Completing the visitor access log, which includes: name and visitor's agency, purpose for the visit, date of visit, time of arrival and departure, name and agency of person visited, and form of identification used to authenticate visitor.
2. Document badge number on visitor log if visitor badge issued. If APD issues visitor badges, the visitor badge shall be worn on approved visitor's outer clothing and collected by the agency at the end of the visit.
3. Planning to check or sign-in multiple times if visiting multiple physically secured locations and/or building facilities that are not adjacent or bordering each other that each has their own individual perimeter security to protect CJI.
4. Be accompanied by an APD escort at all times to include delivery or service personnel. An escort is defined as an authorized personnel who accompanies a visitor at all times while within a physically secure location to ensure the protection and integrity of the physically secure location and any CJI therein. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.
5. Show APD personnel a valid form of photo identification.
6. Follow APD policy for authorized unescorted access.
 - (a) Noncriminal Justice Agency (NCJA) like city or county IT who require frequent unescorted access to restricted area(s) will be required to establish a Management Control Agreement between the APD and NCJA. Each NCJA employee with CJI access will appropriately have state and national fingerprint-based record background check prior to this restricted area access being granted.
 - (b) Private contractors/vendors who requires frequent unescorted access to restricted area(s) will be required to establish a Security Addendum between the APD and each private contractor personnel. Each private contractor personnel will appropriately have state and national fingerprint-based record background check prior to this restricted area access being granted.
 - (c) Not be allowed to view screen information mitigating shoulder surfing.
 - (d) Individuals not having any legitimate business in a restricted area shall be courteously escorted to a public area of the facility. Strangers in physically secure areas without an escort should be challenged. If resistance or behavior of a threatening or suspicious nature is encountered, sworn personnel shall be notified or call 911.
 - (e) Not be allowed to sponsor another visitor.
 - (f) Not enter into a secure area with electronic devices unless approved by the Ashland Police Department Local Area Security Officer (LASO) to include cameras and mobile devices. Photographs are not allowed without permission of the Ashland Police Department assigned personnel.

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- (g) All requests by groups for tours of the Ashland Police Department facility will be referred to the proper agency point of contact for scheduling. In most cases, these groups will be handled by a single form, to be signed by a designated group leader or representative. Remaining visitor rules apply for each visitor within the group. The group leader will provide a list of names to front desk personnel for instances of emergency evacuation and accountability of each visitor while on agency premises.

807.4 AUTHORIZED PHYSICAL ACCESS

Only authorized personnel will have access to physically secure non-public locations. The Ashland Police Department will maintain and keep current a list of authorized personnel. All physical access points into the agency's secure areas will be authorized before granting access. The agency will implement access controls and monitoring of physically secure areas for protecting all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical and electronic breaches.

All personnel with CJI physical and logical access must:

- (a) Meet the minimum personnel screening requirements prior to CJI access.
 - 1. To verify identification, a state of residency and national fingerprint-based record checks shall be conducted within 30 days of assignment for all personnel who have direct access to CJI and those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI.
 - 2. Support personnel, private contractors/vendors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject to a state and national fingerprint-based record check unless these individuals are escorted by authorized personnel at all times.
 - 3. Prior to granting access to CJI, the Ashland Police Department on whose behalf the contractor is retained shall verify identification via a state of residency and national fingerprint-based record check.
 - 4. Refer to the CJIS Security Policy for handling cases of felony convictions, criminal records, arrest histories, etc.
 - 5. Complete security awareness training.
 - (a) All authorized Ashland Police Department Noncriminal Justice Agencies (NCJA) like city or county IT and private contractor/vendor personnel will receive security awareness training within six months of being granted duties that require CJI access and every two years thereafter.
 - (b) Security awareness training will cover areas specified in the CJIS Security Policy at a minimum.
 - (c) Be aware of who is in their secure area before accessing confidential data.
 - 1. Take appropriate action to protect all confidential data.

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2. Protect all terminal monitors with viewable CJI displayed on monitor and not allow viewing by the public or escorted visitors.
3. Properly protect and not share any individually issued keys, proximity cards, computer account passwords, etc.
 - (a) Report loss of issued keys, proximity cards, etc to authorized agency personnel.
 - (b) If the loss occurs after normal business hours, or on weekends or holidays, personnel are to call the Ashland Police Department POC to have authorized credentials like a proximity card de-activated and/or door locks possibly rekeyed.
 - (c) Safeguard and not share passwords, Personal Identification Numbers (PIN), Security Tokens (i.e. Smartcard), and all other facility and computer systems security access procedures. See Disciplinary Policy.
 - (d) Properly protect from viruses, worms, Trojan horses, and other malicious code.
 - (e) Web usage—allowed versus prohibited; monitoring of user activity. (allowed versus prohibited is at the agency's discretion)
 - (f) Do not use personally owned devices on the APD computers with CJI access. (Agency discretion). See Personally Owned Policy.
 - (g) Use of electronic media is allowed only by authorized APD personnel. Controls shall be in place to protect electronic media and printouts containing CJI while in transport. When CJI is physically moved from a secure location to a non-secure location, appropriate controls will prevent data compromise and/or unauthorized access.
 - (a) Encrypt emails when electronic mail is allowed to transmit CJI-related data as such in the case of Information Exchange Agreements.
 - (a) (Agency Discretion for allowance of CJI via email)
 - (b) If CJI is transmitted by email, the email must be encrypted and email recipient must be authorized to receive and view CJI.
 - (c) Report any physical security incidents to the APD's LASO to include facility access violations, loss of CJI, loss of laptops, Blackberries, thumb drives, CDs/DVDs and printouts containing CJI.

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- (d) Properly release hard copy printouts of CJI only to authorized vetted and authorized personnel in a secure envelope and shred or burn hard copy printouts when no longer needed. Information should be shared on a “need to know” basis. (See Sanitization and Destruction Policy)
- (e) Ensure data centers with CJI are physically and logically secure.
- (f) Keep appropriate APD security personnel informed when CJI access is no longer needed. In the event of ended employment, the individual must surrender all property and access managed by the local agency, state and/or federal agencies.
 - (a) Not use food or drink around information technology equipment.
 - (b) Know which door to use for proper entry and exit of the Ashland Police Department and only use marked alarmed fire exits in emergency situations.
 - (c) Ensure the perimeter security door securely locks after entry or departure. Do not leave any perimeter door propped opened and take measures to prevent piggybacking entries.

807.5 ROLES AND RESPONSIBILITIES

Terminal Agency Coordinator (TAC)

The TAC serves as the point-of-contact at the Ashland Police Department for matters relating to CJIS information access. The TAC administers CJIS systems programs within the agency and oversees the agency’s compliance with FBI and state CJIS systems policies.

Local Agency Security Officer (LASO)

Each LASO shall:

- (a) Identify who is using the CSA (state) approved hardware, software, and firmware and ensure no unauthorized individuals or processes have access to the same.
- (b) Identify and document how the equipment is connected to the state system.
- (c) Ensure that personnel security screening procedures are being followed as stated in this policy.

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- (d) Ensure the approved and appropriate security measures are in place and working as expected.
- (e) Support policy compliance and ensure the CSA ISO is promptly informed of security incidents.

Agency Coordinator (AC)

An AC is a staff member of the Contracting Government Agency (CGA) who manages the agreement between the private contractor(s)/vendor(s) and the Ashland Police Department. A CGA is a government agency, whether a Criminal Justice Agency (CJA) or a NCJA, that enters into an agreement with a private contractor/vendor subject to the CJIS Security Addendum. The AC shall be responsible for the supervision and integrity of the system, training and continuing education of private contractor/vendor employees and operators, scheduling of initial training and testing, and certification testing and all required reports by NCIC.

CJIS System Agency Information Security Officer (CSA ISO)

The CSA ISO shall:

- (a) Serve as the security point of contact (POC) to the FBI CJIS Division ISO.
- (b) Document technical compliance with the CJIS Security Policy with the goal to assure the confidentiality, integrity, and availability of criminal justice information to the user community throughout the CSA's user community, to include the local level.
- (c) Document and provide assistance for implementing the security-related controls for the Interface Agency and its users.
- (d) ISOs have been identified as the POC on security-related issues for their respective agencies and shall ensure LASOs institute the CSA incident response reporting procedures at the local level. Establish a security incident response and reporting procedure to discover, investigate, document, and report to the CSA, the affected criminal justice agency, and the FBI CJIS Division ISO major incidents that significantly endanger the security or integrity of CJIS.

Information Technology Support

In coordination with above roles, all vetted IT support staff will protect CJI from compromise at the Ashland Police Department by performing the following:

- (a) Protect information subject to confidentiality concerns—in systems, archived, on backup media, and until destroyed. Know where CJI is stored, printed, copied, transmitted and planned end of life. CJI is stored on laptops, mobile data terminals (MDTs), computers, servers, tape backups, CDs, DVDs, thumb drives, RISC devices and internet connections as authorized by the Ashland Police Department. For

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agencies who submit fingerprints using Live Scan terminals, only Live Scan terminals that receive CJI back to the Live Scan terminal will be assessed for physical security.

- (b) Be knowledgeable of required Ashland Police Department technical requirements and policies taking appropriate preventative measures and corrective actions to protect CJI at rest, in transit and at the end of life.
- (c) Take appropriate action to ensure maximum uptime of CJI and expedited backup restores by using agency approved best practices for power backup and data backup means such as generators, backup universal power supplies on CJI-based terminals, servers, switches, etc.
- (d) Properly protect the APD's CJIS system(s) from viruses, worms, Trojan horses, and other malicious code (real-time scanning and ensure updated definitions).
 - 1. Install and update antivirus on computers, laptops, MDTs, servers, etc.
 - 2. Scan any outside non-agency owned CDs, DVDs, thumb drives, etc., for viruses, if the APD allows the use of personally owned devices. (See the City of Ashland's Personally Owned Device Policy)
 - 3. Data backup and storage—centralized or decentralized approach.
 - (a) Perform data backups and take appropriate measures to protect all stored CJI.
 - (b) Ensure only authorized vetted personnel transport off-site tape backups or any other media that store CJI that is removed from physically secured location.
 - (c) Ensure any media released from the Ashland Police Department is properly sanitized / destroyed. (See Sanitization and Destruction Policy)
 - (d) Timely application of system patches—part of configuration management.
 - 1. The agency shall identify applications, services, and information systems containing software or components affected by recently announced software flaws and potential vulnerabilities resulting from those flaws.
 - 2. When applicable, see the APD Patch Management Policy.
 - 3. Access control measures
 - (a) Address least privilege and separation of duties.
 - (b) Enable event logging of:
 - i. Successful and unsuccessful system log-on attempts.
 - ii. Successful and unsuccessful attempts to access, create, write, delete or change permission on a user account, file, directory or other system resource.
 - iii. Successful and unsuccessful attempts to change account passwords.
 - iv. Successful and unsuccessful actions by privileged accounts.

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v. Successful and unsuccessful attempts for users to access, modify, or destroy the audit log file.

- (a) Prevent authorized users from utilizing publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
- (b) Account Management in coordination with TAC
 1. Agencies shall ensure that all user IDs belong to currently authorized users.
 2. Keep login access current, updated and monitored. Remove or disable terminated or transferred or associated accounts.
 3. Authenticate verified users as uniquely identified.
 4. Prevent multiple concurrent active sessions for one user identification, for those applications accessing CJI, unless the agency grants authority based upon operational business needs.
 5. Not use shared generic or default administrative user accounts or passwords for any device used with CJI.
 6. Passwords
 - (a) Be a minimum length of eight (8) characters on all systems.
 - (b) Not be a dictionary word or proper name.
 - (c) Not be the same as the Userid.
 - (d) Expire within a maximum of 90 calendar days.
 - (e) Not be identical to the previous ten (10) passwords.
 - (f) Not be transmitted in the clear or plaintext outside the secure location.
 - (g) Not be displayed when entered.
 - (h) Ensure passwords are only reset for authorized user.
 - (i) Network infrastructure protection measures.
 1. Take action to protect CJI-related data from unauthorized public access.
 2. Control access, monitor, enabling and updating configurations of boundary protection firewalls.
 3. Enable and update personal firewall on mobile devices as needed.
 4. Ensure confidential electronic data is only transmitted on secure network channels using encryption and *advanced authentication when leaving a physically secure location. No confidential data should be transmitted in clear text. *Note: for interim compliance, and for the sole purpose of meeting the advanced authentication policy, a police vehicle shall be considered a physically secure

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location until September 30th 2013. For the purposes of this policy, a police vehicle is defined as an enclosed criminal justice conveyance with the capability to comply, during operational periods.

5. Ensure any media that is removed from a physically secured location is encrypted in transit by a person or network.
6. Not use default accounts on network equipment that passes CJI like switches, routers, firewalls.
7. Make sure law enforcement networks with CJI shall be on their own network accessible by authorized personnel who have been vetted by the APD. Utilize Virtual Local Area Network (VLAN) technology to segment CJI traffic from other noncriminal justice agency traffic to include other city and/or county agencies using same wide area network.
8. Communicate and keep the APD informed of all scheduled and unscheduled network and computer downtimes, all security incidents and misuse. The ultimate information technology management control belongs to the Ashland Information Technology Department.

Front desk and Visitor Sponsoring Personnel

Administration of the Visitor Check-In / Check-Out procedure is the responsibility of identified individuals in each facility. In most facilities, this duty is done by the Front desk or Reception Desk.

Prior to visitor gaining access to physically secure area:

- (a) The visitor will be screened for electronic devices. No personal electronic devices are allowed in any agency facility except when carried by authorized personnel as deemed authorized by the Ashland Police Department.
- (b) Escort personnel will acknowledge being responsible for properly evacuating visitor in cases of emergency. Escort personnel will know appropriate evacuation routes and procedures.
- (c) Escort and/or Front desk personnel will validate visitor is not leaving agency with any agency owned equipment or sensitive data prior to Visitor departure.

All Ashland Police Department personnel and supporting entities are responsible to report any unauthorized physical, logical, and electronic access to the Ashland Police Department officials.

Information Systems Security Breach

808.1 PURPOSE

There has been an increase in the number of accidental or malicious computer attacks against both government and private agencies, regardless of whether the systems are high or low profile. The following establishes an operational incident handling procedure for Ashland Police Department's CJIS, NCIC, and LEDS information systems that includes adequate preparation, detection, analysis, containment, recovery, and user response activities; track, document, and report incidents to appropriate Ashland Police Department personnel and/or authorities. The Support Division Commander is the department's point-of-contact for security-related issues and will ensure the incident response reporting procedures are initiated at the local level.

808.2 REPORTING PROCEDURES FOR ACTUAL AND SUSPECTED SECURITY BREACHES

If you a member of the Ashland Police Department becomes aware of any policy violation or suspect that your password may have been used by someone else, first, change your password and, then, report the violation immediately to the security point-of-contact.

Virus Reporting Procedures and Collection of Security Incident Information:

- Upon identifying a problem, disconnect the network cable.
- Notify the Support Division Commander and the appropriate Chain-of-Command.
- Notify the City of Ashland Information Technology supervisor who acts as the Local Information Technology Security Administrator.
- Notify OSP CJIS ISO at (503) 378-3055, Ext. 55002.
- Identify who will run your traffic in the meantime while you fix the problem.
- Notify City of Ashland IT Department of the situation if required.
 - Compile information for completing an IT Security Incident Response Report.
 - Suspected cause for incident (Name, virus, etc.)
 - Was Antivirus software running at the time of infection?
 - How and when the problem was first identified?
 - Has Local IT staff been notified/are they involved?
 - Number of workstations infected?
 - Any other equipment infected?
 - Action plan for removal.
 - Will infected workstations be re-imaged before reconnection?
 - When was the last update of signature files?
 - When was the last operating system update?

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Information Systems Security Breach

- Was any CJIS data or personnel identification information compromised?
- The LEDS system will remain disconnected from NLETS until the City of Ashland IT Department can guarantee your systems are free from virus infection.
 - Once free from infection and given clearance by the OSP CJIS ISO, the system can be reconnected to LEDS and NLETS.

Media Protection Policy

809.1 PURPOSE

The intent of the Media Protection Policy is to ensure the protection of the Criminal Justice Information (CJI) until such time as the information is either released to the public via authorized dissemination (e.g. within a court system or when presented in crime reports data), or is purged or destroyed in accordance with applicable record retention rules.

This Media Protection Policy was developed using the FBI's Criminal Justice Information Services (CJIS) Security Policy 5.1 dated 7/13/2012. The Ashland Police Department may complement this policy with a local policy; however, the CJIS Security Policy shall always be the minimum standard. The local policy may augment, or increase the standards, but shall not detract from the CJIS Security Policy standards.

809.2 SCOPE

The scope of this policy applies to any electronic or physical media containing FBI Criminal Justice Information (CJI) while being stored, accessed or physically moved from a secure location from the Ashland Police Department. This policy applies to any authorized person who accesses, stores, and / or transports electronic or physical media. Transporting CJI outside the agency's assigned physically secure area must be monitored and controlled.

Authorized Ashland Police Department personnel shall protect and control electronic and physical CJI while at rest and in transit. The Ashland Police Department will take appropriate safeguards for protecting CJI to limit potential mishandling or loss while being stored, accessed, or transported. Any inadvertent or inappropriate CJI disclosure and/or use will be reported to the Ashland Police Department's Local Agency Security Officer (LASO). The Ashland Police Department's LASO is the Support Division Commander. Procedures shall be defined for securely handling, transporting and storing media.

809.3 MEDIA STORAGE AND ACCESS

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJI.

To protect CJI, the Ashland Police Department's personnel shall:

- (a) Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.

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- (b) Restrict access to electronic and physical media to authorized individuals.
- (c) Ensure that only authorized users remove printed form or digital media from the CJI.
- (d) Physically protect CJI until media end of life. End of life CJI is destroyed or sanitized using approved equipment, techniques and procedures. (See Disposal of Media Procedures)
- (e) Not use personally owned information system to access, process, store, or transmit CJI unless the Ashland Police Department has established and documented the specific terms and conditions for personally owned information system usage.
- (f) Not utilize publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
- (g) Store all hardcopy CJI printouts maintained by the Ashland Police Department's in a secure area accessible to only those employees whose job function require them to handle such documents.
- (h) Safeguard all CJI by the Ashland Police Department against possible misuse by complying with the Physical Protection Policy, Personally Owned Device Policy, and Disciplinary Policy.
- (i) Take appropriate action when in possession of CJI while not in a secure area:
 - 1. CJI must not leave the employee's immediate control. CJI printouts cannot be left unsupervised while physical controls are not in place.
 - 2. Precautions must be taken to obscure CJI from public view, such as by means of an opaque file folder or envelope for hard copy printouts. For electronic devices like laptops, use session lock use and /or privacy screens. CJI shall not be left in plain public view. When CJI is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption.

i. When CJI is at rest (i.e. stored electronically) outside the boundary of the physically secure location, the data shall be protected using encryption. Storage devices include external hard drives from computers, printers and copiers used with CJI. In addition, storage devices include thumb drives, flash drives, back-up tapes, mobile devices, laptops, etc.

ii. When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.

10. Lock or log off computer when not in immediate vicinity of work area to protect CJI. Not all personnel have same CJI access permissions and need to keep CJI protected on a need-to-know basis.

11. Establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of CJI. (See Physical Protection Policy)

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809.4 MEDIA TRANSPORT AND DISSEMINATION

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. "Electronic media" means electronic storage media including memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card.

Dissemination to another agency is authorized if:

- (a) The other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or
- (b) The other agency is performing personnel and appointment functions for criminal justice employment applicants.

The Ashland Police Department personnel shall:

- (a) Protect and control electronic and physical media during transport outside of controlled areas.
- (b) Restrict the pickup, receipt, transfer and delivery of such media to authorized personnel.

The Ashland Police Department personnel will control, protect, and secure electronic and physical media during transport from public disclosure by:

- (a) Use of privacy statements in electronic and paper documents.
- (b) Limiting the collection, disclosure, sharing and use of CJI.
- (c) Following the least privilege and role based rules for allowing access. Limit access to CJI to only those people or roles that require access.
 - 1. Package hard copy printouts in such a way as to not have any CJI information viewable.
 - 2. That are mailed or shipped, agency must document procedures and only release to authorized individuals. **DO NOT MARK THE PACKAGE TO BE MAILED CONFIDENTIAL.** Packages containing CJI material are to be sent by method(s) that provide for complete shipment tracking and history, and signature confirmation of delivery. (Agency Discretion)
- (d) Not taking CJI home or when traveling unless authorized by Ashland Police Department's LASO. When disposing confidential documents, use a shredder.
- (a) Securing hand carried confidential electronic and paper documents by:
 - (a) Storing CJI in a locked briefcase or lockbox.

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- (b) Only viewing or accessing the CJI electronically or document printouts in a physically secure location by authorized personnel.

809.5 MEDIA SANITAZION AND DISPOSAL

The agency shall sanitize, that is, overwrite at least three times or degauss electronic media prior to disposal or release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel. Physical media shall be securely disposed of when no longer required, using formal procedures. For end of life media policy, refer to "Sanitization Destruction Policy".

809.6 ROLES AND RESPONSIBILITIES

If CJI is improperly disclosed, lost, or reported as not received, the following procedures must be immediately followed:

- (a) Ashland Police Department personnel shall notify his/her supervisor or LASO, and an incident-report form must be completed and submitted within 24 hours of discovery of the incident. The submitted report is to contain a detailed account of the incident, events leading to the incident, and steps taken/to be taken in response to the incident. (Agency Discretion)
- (b) The supervisor will communicate the situation to the LASO to notify of the loss or disclosure of CJI records.
- (c) The LASO will ensure the CSA ISO (CJIS System Agency Information Security Officer) is promptly informed of security incidents.
- (d) The CSA ISO will:
 1. Establish a security incident response and reporting procedure to discover, investigate, document, and report to the CSA, the affected criminal justice agency, and the FBI CJIS Division ISO major incidents that significantly endanger the security or integrity of CJI.
 2. Collect and disseminate all incident-related information received from the Department of Justice (DOJ), FBI CJIS Division, and other entities to the appropriate local law enforcement POCs within their area.
 3. Act as a single POC for their jurisdictional area for requesting incident response assistance.

Sanitization Destruction Policy

810.1 PURPOSE

The purpose of this policy is to outline the proper disposal of media (physical or electronic) at the Ashland Police Department. These rules are in place to protect sensitive and classified information, employees and the Ashland Police Department. Inappropriate disposal of Ashland Police Department and FBI Criminal Justice Information (CJI) and media may put employees, the Ashland Police Department and the FBI at risk.

810.2 SCOPE

This policy applies to all Ashland Police Department employees, contractors, temporary staff, and other workers at the Ashland Police Department, with access to FBI CJIS systems and/or data, sensitive and classified data, and media. This policy applies to all equipment that processes, stores, and/or transmits FBI CJI and classified and sensitive data that is owned or leased by Ashland Police Department.

810.3 PROCEDURES

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store and/or transmit FBI CJI and classified and sensitive data shall be properly disposed of in accordance with measures established by the Ashland Police Department.

Physical media (print-outs and other physical media) shall be disposed of by one of the following methods:

- 1) shredding using Ashland Police Department issued shredders.

- 2) placed in locked shredding bins for an approved, designated private contractor to come on-site and shred, witnessed by Ashland Police Department personnel throughout the entire process.

- 3) incineration using Ashland Police Department incinerators or witnessed by Ashland Police Department personnel onsite at an agency or at a contractor incineration site, if conducted by non-authorized personnel.

Electronic media (hard-drives, tape cartridge, CDs, printer ribbons, flash drives, printer and copier Hard-drives, etc.) shall be disposed of by one of these approved methods:

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- 1) **Overwriting (at least 3 times)** - an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1s, 0s, or a combination of both) onto the location of the media where the file to be sanitized is located.

- 2) **Degaussing** - a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.

- 3) **Destruction** – a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information shall not be released from the Ashland Police Department's control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

Crime Analysis

811.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the [department/office]'s long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

811.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Oregon Department of Transportation
- Oregon Traffic Safety Commission

811.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

811.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the [department/office]'s strategic plans should be provided to the appropriate

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staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

Chapter 9 - Custody

Prisoner Transports

900.1 PURPOSE AND SCOPE

This policy establishes procedures for safe transporting of prisoners to other facilities.

900.1.6 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.

900.1.6 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.

900.1.6 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.

900.1.6 SECURITY

One officer will transport a maximum of two prisoners. The exception to this policy would be in

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unusual incidents where there are mass arrests made. Prisoners of the opposite sex should be transported separately, either one in the front seat or one in the back seat or in separate vehicles. 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 Jackson 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.

When transporting prisoners to Jackson County Jail or other prisoner facilities it should be the responsibility of the corrections officers to remove restraint devices.

900.1.6 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.

900.2 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.

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.

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900.2.1 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.

900.2.2 RELEASE OF PRISONER'S PROPERTY

Release of any prisoner's property to any person requires the recipient's signature on the appropriate form. Any request for release of property by a prisoner must be made in writing.

900.3 TRAINING

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

Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Ashland Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody Search - An in-custody search of an individual and of 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.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after 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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Custodial Searches

901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Ashland Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.4.1 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 Ashland Police Department identification number and information regarding how and when the property may be released.

901.4.2 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.

901.4.3 RECEIPT FOR PROPERTY OR MONEY

The officer or other member charged with such inventories shall ensure that the individual receives a receipt for any money or other property received and should have the individual countersign both the original and duplicate receipt. Members will otherwise comply with ORS 133.455 if the individual is unable to sign.

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901.5 STRIP SEARCHES

No individual in temporary custody at any Ashland Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Ashland Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Division Commander 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 Division Commander.
 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.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Division Commander 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 Division Commander authorization does not need to be in writing.

901.6 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 Division Commander 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 Division Commander'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.

901.7 TRAINING

The Division Commander shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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901.8 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 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.

Prison Rape Elimination

902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Ashland Police Department Temporary Holding Facilities (28 CFR 115.111).

902.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

902.2 POLICY

The Ashland Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Ashland Police Department will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

902.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Ashland Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of Ashland Police Department prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
 - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
 - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
 - 3. A process to document all referrals to other law enforcement agencies.
 - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
 - 5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).
 - 1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.
- (h) Publishing on the department's website:
 - 1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).
- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).
 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
 2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

902.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

902.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Division Commander any knowledge, suspicion or information regarding:

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- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against prisoners or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

902.4.2 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Division Commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Division Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Division Commander shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

902.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

902.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy

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physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Ashland Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

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902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

902.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Administrator. The Chief of Police or City Administrator shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

902.6 RETALIATION PROHIBITED

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Division Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Division Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy

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any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

902.7 REVIEWS AND AUDITS

902.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.

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- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Ashland Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

902.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

902.9 TRAINING

All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Division Commander shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

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Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Division Commander shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Ashland Police Department and that are promulgated and maintained by the Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Ashland 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/Office] does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The [Department/Office] will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.2.1 SELECTION PROCESS

- (a) The selection process for sworn officer candidates for the Ashland Police Department may include the following components:
 1. A written test demonstrating a 12th grade reading and writing level in the English language.
 2. Oral interview board.
 3. A Comprehensive Background Investigation.
 4. Psychological Exam.
 5. Physical Exam "" Minimum requirements mandated by Oregon Department or Public Safety Standards & Training (Oregon Administrative Rules 259-008-0010(8)).
 6. Drug screen.
 7. Physical and psychological examinations will be conducted as the final step in the selection process, after a conditional job offer is communicated.
- (b) The selection process for non-sworn positions for the Ashland Police Department may include the following components:

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1. Skill testing demonstrating proficiency in written and oral communications, and various tasks associated with the specific job applied for.
2. Supplemental questionnaire.
3. A Comprehensive Background Investigation.

1000.3 RECRUITMENT

The Support Division Commander 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/office] website and the use of [department/office]-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 Support Division Commander 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/Office] 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.

1000.4 SELECTION PROCESS

The [Department/Office] shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the [Department/Office] 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)
- (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

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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

1000.4.1 VETERAN PREFERENCE

Veterans of the United States Armed Forces who served on active duty and who meet the minimum qualification for employment may receive preference pursuant to ORS 408.230.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify 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 Ashland Police Department (OAR 259-008-0015).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Support Division Commander shall not require candidates to provide passwords, account information or access to password-protected social media accounts (ORS 659A.330).

The Support Division Commander or a designee, 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/Office] fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Support Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

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1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.5 STATE NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with ORS 659A.320.

All sworn staff in the process of a background investigation shall make a request to DPSST Records Review for professional standards information relating to the applicant.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (OAR 259-008-0010; OAR 259-008-0300). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the [Department/Office] and the community.

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Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by the Oregon Department of Public Safety Standards and Training (DPSST), including the following (OAR 259-008-0010; OAR 259-008-0300):

- (a) Be a citizen of the United States or a nonimmigrant legally admitted to the United States under a Compact of Free Association within 18 months of hire date
- (b) Be at least 21 years of age
- (c) Be fingerprinted for a check by the Oregon State Police Identification Services Section within 90 days of employment
- (d) Be free of convictions for any of the following:
 - 1. Any felony
 - 2. Any offense for which the maximum term of imprisonment is more than one year
 - 3. Any offense related to the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug
 - 4. Any offense that would subject the candidate to a denial or revocation of a peace officer license
- (e) Meet the moral fitness standards
- (f) Possess a high school diploma, GED equivalent, or a four-year post-secondary degree
- (g) Complete a medical examination
- (h) Meet the physical standards requirements
- (i) Complete a psychological screening (ORS 181A.485)
- (j) Complete a law enforcement skills proficiency test

1000.8 PROBATIONARY PERIODS

The Support Division Commander should coordinate with the Ashland Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

Employees are evaluated annually using the departments approved evaluation form for the employees position and assignment, unless performance dictates more frequent performance evaluations.

Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each evaluation will cover a specific period and should be based on performance during that period. The employee's immediate supervisor will complete each evaluation. 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 be sent to a DPSST approved supervisory course within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected, and the evaluation rating criteria with each employee at the beginning of the rating period. When a non-probationary employee's job performance falls below the established standards of the job, the supervisor should, as soon as practical, advise the employee in order to provide an opportunity for the employee to improve performance. The involved employee will be provided the opportunity to initial any such writing and respond in writing within 30 days, if desired. Failure to meet established performance standards is justification for an unsatisfactory rating. Rating factors that are not observed are assumed to be performed at a standard level.

1001.3 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.

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Evaluation of Employees

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.

1001.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered in the Reserve Officers Policy.

1001.4 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.

1001.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

1001.7 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the Human Resources Department. A copy will be given to the employee and a copy will be forwarded to Sergeants evaluation file and will remain in that file for a period of one year.

Promotional and Transfer Policy

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion or transfer within the ranks of the Ashland Police Department and the processes to be followed.

1002.1.1 DEFINITIONS

Promotion - Advancement as a result of selection, based on a competitive process, for a permanent position identified by a separate job description and a separate and higher pay range than the position previously held.

Transfer - Assignment to a different shift, work assignment or duty station. Although the duration of the assignment may vary, it generally considered to be temporary and subject to change at the discretion of the Chief of Police. The applicability of premium pay to a particular assignment based on special skills or hazardous duty does not alter the temporary nature of the assignment and does not constitute a promotion.

1002.1.2 SWORN NON-SUPERVISORY ASSIGNMENTS

The following positions are considered transfers and are not considered promotions:

- (a) Detective
- (b) Motor Officer
- (c) Central Area Police Officer
- (d) Police Training Officer
- (e) School Resource Officer
- (f) Narcotics Officer

1002.2 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

- (a) Present a professional, neat appearance.
- (b) Maintain a physical condition which aids in their performance.
- (c) Demonstrate the following traits:
 - 1. Emotional stability and maturity.
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making.
 - 4. Personal integrity and ethical conduct.
 - 5. Leadership

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6. Initiative
7. Adaptability and flexibility.
8. Ability to conform to organizational goals and objectives in a positive manner.

1002.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

- (a) Three years' experience
- (b) Off probation
- (c) Has shown an expressed interest in the position applied for
- (d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
- (e) Complete any training required by the Department of Public Safety Standards and Training or law

1002.3 SELECTION PROCESS

The following criteria apply to transfers.

- (a) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.
- (b) The supervisor recommendations will be submitted to the Division Commander and Chief of Police. The Division Commander or Chief of police may schedule interviews with each candidate.
- (c) Appointment by the Chief of Police

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

1002.4 PROMOTIONAL SELECTION PROCESS

Specifications for promotional opportunities are on file with the Ashland Human Resources. Promotions will be determined in accordance with the following procedures:

- (a) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate within the past 12 months will submit these recommendations.
- (b) The selection process may include any of the following components depending on the position being filled, the job requirements and the skills needing to be evaluated:
 1. Written exam

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2. Oral Board
3. Specific skill testing
4. Assessment Center
5. Interview with the Chief of Police

The Chief of Police will make the final selection.

Anti-Retaliation

1003.1 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.

1003.2 POLICY

The Ashland 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.

1003.3 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.

Anti-Retaliation

1003.4 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 Human Resource 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.

1003.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

Anti-Retaliation

1003.6 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.

1003.7 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 Division Commander for investigation pursuant to the Personnel Complaints Policy.

1003.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1003.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Arrests, Convictions, and Court Orders

1004.1 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 Ashland 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.

1004.2 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.

1004.3 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/office] may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1004.4 REPORTING

All members and all retired officers with identification cards issued by the [Department/Office] 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/Office] shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired

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Reporting of Arrests, Convictions, and Court Orders

officers) in writing if they become the subject of a domestic violence restraining order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable DPSST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing 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).

1004.5 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

1004.6 POLICY

The Ashland 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/Office].

Drug- and Alcohol-Free Workplace

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1005.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1005.3 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 Division Commander 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).

1005.3.1 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.

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.

1005.3.2 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due employees, and disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the expressed written consent of the employee involved or pursuant to lawful process.

1005.4 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).

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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).

1005.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources, 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.

1005.6 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.

1005.7 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.

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1005.7.1 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.

1005.7.2 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 substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Violates any provisions of this policy.

1005.8 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).

1005.9 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

1006.1 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.).

1006.2 POLICY

It is the policy of the Ashland Police Department to provide eligible employees with a sick leave benefit.

1006.3 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).

1006.3.1 NOTIFICATION

All members should notify the Division Commander 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/Office] 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/Office] (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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1006.4 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 Human Resource 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/office] 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.

1006.5 REQUIRED NOTICES

The Human Resource 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.

1006.6 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).

Shift Trades

1007.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for shift trades between employees.

All shift trades must be between persons of the same job classification and approved by the shift supervisors. Payback of shift trades and hold overs shall be between the persons involved. Problems arising from the trade will comprise a civil situation and will be resolved by the involved parties. There is no time limit on payback. Extra hours worked in a pay period as the result of a shift trade or hold over for another employee shall not be considered as assigned overtime. Sick time or time off requests will be handled as any other time off request. Denial of a shift trade is the prerogative of the shift supervisor and is not grievable.

1007.2 PROCEDURE

All shift trades require the approval of the shift supervisor. Shift trades involving supervisors should be approved by the Operations Division Commander.

Shift trades of more than 2 weeks require the approval of the Operations Division Commander, the applicable shift supervisor(s) and the Association.

Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of [department/office] members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Ashland Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODY FLUIDS

All department personnel who may be involved in providing emergency medical care, or who come in contact with another person's blood or body fluids (e.g., during an altercation or while attending to any injured person), shall follow these procedures and guidelines.

1008.2.1 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the department's Health and Safety Coordinator to be responsible for the following:

- (a) The overall management of the bloodborne pathogen Exposure Control Plan (ECP) to include the applicable duties, responsibilities and/or safeguards required by 29 CFR 1910.1030 and OAR 437-002-0360.
- (b) Establishing written procedures and developing a training program related to aerosol-transmissible diseases.
- (c) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remain current on all legal requirements concerning bloodborne pathogens and other communicable diseases.
- (d) Acting as a liaison during OSHA inspections and conducting program audits to maintain a current ECP.

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- (e) Maintaining an up-to-date list of police personnel requiring training, developing and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing the training program.
- (f) Reviewing and updating the ECP annually (on or before January 1 of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

1008.2.2 UNIVERSAL PRECAUTIONS

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

1008.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves (Keeping a box in the car recommended)
- Safety glasses or goggles.
- Rescue mask with a one-way valve.
- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes in the car recommend).

The protective equipment is to be kept in each police vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

1008.2.4 IMMUNIZATIONS

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered immunization, if a vaccine for the specific disease exposure is available and medically appropriate. Such preventive immunization shall be offered at no cost to the employee (ORS 433.407 and ORS 433.416).

Coordination and approval of immunizations under this policy shall be the responsibility of the Exposure Control Officer or his/her designee.

1008.2.5 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g.,

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evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1008.3 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/office] 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).
 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 Administration (OR-OSHA) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan.

1008.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leak-proof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

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1008.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated nonintact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area.

1008.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

1008.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

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1008.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in this policy.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated nonintact skin event, then the procedures described in this policy shall be followed.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

1008.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as reasonably practicable. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA) .

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

1008.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the Exposure Control Officer. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination.

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This dry cleaning will be done at the Department's expense. If no such service is readily available the clothing will be destroyed and replaced at Department expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1008.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1008.3.9 DECONTAMINATION OF STATION AND CLEANING AREA

The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes and consuming food and drink are prohibited in this designated area at all times.

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; OAR 437-002-0360):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or [department/office] vehicles, as applicable.
- (b) Wearing [department/office]-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.

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- (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.

1008.4.2 SUPERVISOR REQUIREMENTS

The supervisor shall investigate every exposure that occurs as soon as reasonably practicable following the incident, while gathering the following information:

- (a) Name of the exposed employee.
- (b) Date and time of incident.
- (c) Location of incident.
- (d) Potentially infectious materials involved.
- (e) Source of material or person.
- (f) Current location of material or person.
- (g) Work being done during exposure.
- (h) How the incident occurred or was caused.
- (i) PPE in use at the time of the incident.
- (j) Actions taken post-event (clean-up, notifications).

The supervisor shall use the above information to prepare a written summary of the incident, its causes and recommendations for avoiding similar events. This report, in addition to any workers' compensation report or reports required by the City, will be provided to the ECO, the consulting physician and to the City's Risk Manager.

The supervisor should advise the employee of the laws and regulations concerning disclosure of the identity and the infectious status of a source.

1008.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who received exposure or suspected exposure should be seen by a physician (or qualified health care provider) as soon as possible. The doctor (or qualified health care provider) should review the supervisor's report, the Communicable Disease Notification Report and the employee's medical records relevant to the visit and examination.

When an officer in the performance of his/her official duties sustains a substantial BBP exposure, the ECO will seek to have the source person tested for HIV and Hepatitis B or C by causing the circuit court to be petitioned for an order compelling the testing. The petition must set forth the facts and circumstances of the contact and the reasons the officer and a medically trained person

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representing the officer, if available, believe the exposure was substantial and the testing would be appropriate. The officer should provide information sufficient to identify and locate, if possible, the alleged source (ORS 433.085(1)(2)).

If the ECO is unavailable to assist the officer with the completion of the petition and with follow-up attempts to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to provide such assistance.

If the testing is ordered by the court, the results shall be made available to those persons authorized under ORS 433.045(4) and to the officer, the physician designated by the officer to receive the results, the Oregon Health Authority (OHA), the subject person and any physician designated by the subject person to receive the results (ORS 433.085(4)).

The health care professional should provide the ECO and/or the City's Risk Manager with a written opinion/evaluation of the exposed employee's situation. This opinion should only contain the following information:

- If an HBV is indicated for the employee.
- If the employee received an HBV.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation.
- Whether communicable disease testing of the person who was the source of the exposure is warranted, and, if so, what diseases should be included in testing.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1008.4.4 COUNSELING

The Department will make counseling and consultation available to the exposed employee (and his/her family if necessary).

1008.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in the process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The ECO shall be responsible for maintaining records containing the employee's HBV status and the results of examinations, medical testing and follow-up procedures that took place as a result of an exposure.

The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

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This information is confidential and shall not be disclosed to anyone without the employee'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.

1008.5 POST-EXPOSURE CONFIRMATION PROCEDURES

Members who have been exposed to or contract a disease as a result of a duty-related event shall be treated according to existing health benefits, insurance coverage, and collective bargaining provisions. (OAR 839-006-0200 and ORS 659A.112).

Members who test positive for HIV or HBV may continue working as long as they maintain acceptable performance and do not pose a safety and health threat to themselves, the public or other members of the Department.

- (a) The Ashland Police Department shall make all decisions concerning the member's work status solely on the medical opinions and advice of the agency's health care officials.
- (b) The Ashland Police Department may require a member to be examined by the department health care officials to determine if he/she is able to perform his/her duties without hazard to him/herself or others.
- (c) All members of the Ashland Police Department agency shall treat employees who have contracted a communicable disease fairly, courteously and with dignity.

1008.5.1 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.

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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.

1008.6 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

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Ashland Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY

The Ashland 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).

1009.3 ADDITIONAL PROHIBITIONS

Visitors and the public shall not be allowed to smoke in any department facility (ORS 433.845).

1009.3.1 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

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Ashland 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.

1010.1.1 DEFINITIONS

Disciplinary action - An action taken against an employee by the Ashland Police Department to punish the employee, including dismissal, demotion, suspension without pay, reduction in salary, written reprimand and transfer (ORS 236.350 (1)).

Employee - Any paid member of the Ashland Police Department with a property interest in his/her employment at the Ashland Police Department.

Just cause - A cause reasonably related to the employee's ability to perform required work. The term includes a willful violation of reasonable work rules, regulations or written policies (ORS 236.350 (2)).

Personnel complaint - 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.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

This policy does not apply when a supervisor questions an employee in the normal course of an informal verbal admonishment or when the supervisor has other routine or unplanned contact with an employee. Nor does this policy apply to an investigation concerned solely with alleged criminal activities.

1010.1.2 CLASSIFYING PERSONNEL COMPLAINTS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form. The responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or when a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or referred to the Division Commander depending on the seriousness and complexity of the investigation.

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Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Division Commander, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1010.2 POLICY

The Ashland Police Department takes seriously all complaints regarding the service provided by the [Department/Office] and the conduct of its members.

The [Department/Office] 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/office] to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be maintained in the front office.

1010.2.2 SOURCE OF COMPLAINTS

- (a) A department employee who becomes aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action, should immediately document that complaint and submit it to his/her immediate supervisor.
- (c) Anonymous complaints and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

1010.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, by telephoning the Department or electronically on the Ashland Police Department's website. Although it is not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.
- (b) A complaint need not be taken when the complainant is satisfied with the explanation, given by an uninvolved supervisor or the Division Commander, of the department policy or the procedures governing the incident and agrees that no further action is required.

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- (c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable. Identifying information should be obtained and the person should be provided with a personnel complaint form.
- (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with the juvenile's parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

1010.2.4 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor may elect to document informal complaints as a supervisor or Division Commander log entry.

When a personnel complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the receiving supervisor should document the complaint based upon information received from the complainant. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. However, a refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. In all cases, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her original complaint.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of [department/office] 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/office] 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/Office].

1010.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when the circumstances reasonably dictate an undue risk for the Department, the employee, other employees or the public, a supervisor may assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

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1010.4.1 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/office] 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.

1010.5 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/Office] should audit the log and send an audit report to the Chief of Police or the authorized designee.

1010.5.1 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).

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 1. The original complaint form will be directed to the Division Commander 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 at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.

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- (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/Office] 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 Division Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Division Commander and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Human Resources and the Division Commander 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 Division Commander, 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.

1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Division Commander, 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 Ashland Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) The interviewers shall inform the employee of their authority to compel a statement and of the identity of the investigators and all persons present during the interview.

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- (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.
- (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.

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1010.6.3 STEPS PRIOR TO DISCIPLINARY ACTION

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

Disciplinary action may not be taken against any employee without just cause (ORS 236.360 (4)). The Chief of Police shall ensure the following before any disciplinary action against an employee is taken:

- (a) Notification is made to the employee in writing of the charges against the employee and the proposed disciplinary action (ORS 236.360 (5)(a)).
- (b) The employee is given an opportunity to respond to the charges at an informal hearing, which may be recorded, that is attended by the person or persons having authority to impose the proposed disciplinary action (ORS 236.360 (5)(b)).

1010.6.4 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/office] 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.

1010.6.5 COMPLETION OF INVESTIGATIONS

The Support 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 Support Supervisor may extend the investigation to a maximum of 12 months from the date of the first interview, provided that, before the extended period begins, the [Department/Office] 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.

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- (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.

1010.6.6 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.

1010.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the [Department/Office], 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/office] badge, identification, assigned weapons and any other [department/office] equipment.
- (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.

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1010.8.1 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel, except pursuant to lawful process.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation, and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations.

Disciplinary action resulting from sustained complaints shall be maintained in the employee's personnel file. Complaints, and any investigative reports shall be maintained by the Division Commander apart from the employee's personnel file.

1010.8.2 ANNUAL REVIEW OF PERSONNEL COMPLAINTS

During February of each year, the Division Commander or his/her designee shall provide to the Chief of Police an annual report of personnel complaints from the preceding year. The report will focus on complaint trends as well as training needs and needed policy changes. A copy of the report shall be maintained with each year's completed complaint file. Specific detail, including items such as officer names, case numbers and location of occurrence, is not needed for this purpose and therefore will not be part of this process.

1010.9 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules.

1010.10 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

1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1011.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1011.2 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.

1011.3 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.

1011.4 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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1011.5 POLICY

It is the policy of the Ashland Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1011.6 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.

1011.7 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1011.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1012.2 POLICY

It is the policy of the Ashland Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1012.3 ISSUANCE OF BODY ARMOR

The Administrative Assistant shall ensure that body armor is issued to all officers when the officer begins service at the Ashland Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Support 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.

1012.3.1 EXTERNAL CARRIERS

External carriers will be issued to current officers as their body armor comes up for renewal. New probationary officers will be provided an internal carrier and upon successful completion of probation will be issued an external carrier when their ballistic panels expire.

Officers may chose to purchase their own external carrier but must comply with section 1012.3.2 sections f and g.

1012.3.2 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 or CSO is working in uniform or taking part in Department range training. Officers may remove external carriers only within the secured portion of a APD facility or inside their personal residence when on a sanctioned break.
- (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

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compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

- (f) The following items are permitted to be worn on the molle portion of the external carrier: a small pouch (commonly referred to as an admin pouch) with optional medical supplies or work-related items, tourniquet case, OC case, double handcuff case and radio case.
- (g) The following items shall not be worn on the external carrier: duty weapons, Taser and ammo.

1012.3.3 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.

1012.3.4 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.

If the external carrier is exposed to biohazard material, the internal panels will be removed and placed into a replacement carrier. The exposed carrier will be washed per policy.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1012.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

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- (d) Ensure officers receive Defensive Tactics prior to being authorized to wear the external carrier for use on patrol.
- (e) Ensure officers qualify with firearm platforms (Duty pistol, rifle, shotgun and back-up weapons) by the Rangemaster or his designee, while wearing the external carrier prior to being authorized to wear the external carrier for use on patrol.

Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.2 POLICY

It is the policy of this [department/office] 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).

1013.3 [DEPARTMENT/OFFICE] FILE

The [department/office] file shall be maintained as a record of a person's employment/appointment with this [department/office]. The [department/office] 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/office] 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/office] 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/office] 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/office] file after the member has had the opportunity to read and initial the comment.

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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).

1013.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations. Any adverse comments shall be provided to the officer prior to being placed in the file in accordance with ORS 652.750.

1013.5 TRAINING FILE

An individual training file shall be maintained by the Administrative Analyst 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 Administrative Analyst or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Administrative Analyst or supervisor shall ensure that copies of such training records are placed in the member's training file.

1013.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Division Commander in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Division Commander supervisor.

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These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's [department/office] file but will be maintained in the internal affairs file:

- Not sustained
- Unfounded
- Exonerated

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/office] 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/office] 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 established records retention schedule (OAR 166-200-0350; OAR 166-150-0135).

1013.7 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/office] established records retention schedule.
 2. Negative drug tests records shall be retained for a minimum of one year and in accordance with the [department/office] established records retention schedule.

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Member medical records shall be retained for a minimum of six years after separation from the [Department/Office] and in accordance with the [department/office] 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/office] established records retention schedule (29 CFR 1910.1020(d)).

1013.8 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.

1013.8.1 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.

1013.8.2 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.

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- (d) The public body determines that nondisclosure of the information would adversely affect the confidence of the public in the [Department/Office].

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).

1013.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

A member or former member may request to review his/her personnel file. The request should be made to the Support Supervisor. The Support Supervisor 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/Office] 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/office] 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/Office] and the member that may be discovered in a judicial proceeding.

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1013.10 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 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.

Fitness for Duty

1014.1 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.

1014.2 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.

1014.3 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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- (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 Division Commander or employee's available Division Commander, 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.

1014.4 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.

1014.5 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 Division Commander or unit supervisor and concurrence of a Division Commander, 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.

1014.6 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 Human Resources 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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- (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.

1014.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour period)

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1014.8 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.

Transitional Duty Assignment Policy

1015.1 PURPOSE

To set forth the terms and conditions for assigning personnel who are temporarily injured, temporarily incapacitated, or medically unable to perform the duties of the job to transitional duty status within the police department.

1015.1.1 STATEMENT OF POLICY

Transitional duty assignments facilitate the earliest possible return to work of workers who are temporarily injured, temporarily incapacitated, or medically unable to perform the duties of the job who have a prognosis for return to regular duty. These assignments can also provide the City with beneficial resources to help meet the needs of the citizens of Ashland.

Therefore, transitional duty assignments shall be considered on a case-by-case basis and such assignments shall be made when the Chief of Police determines that they serve the best interests of the department and the employee. To that end, it is presumed that transitional duty is in the best interests of the employee when it allows the employee to perform productive work within the medical restrictions imposed by the employee's treating provider.

Transitional duty assignments are intended to be short-term and, if granted, shall remain limited in number consistent with the department's needs. Temporary transitional duty assignments, when available, are intended for officers and other eligible personnel in the department who, because of injury, illness or disability, are temporarily unable to perform their regular assignments for a limited period of time, but who are capable of performing alternate duty assignments in the meantime.

Transitional duty assignments are a prerogative of the Chief of Police and not an employee right. This policy is not meant to circumvent the employee's rights under OFLA, FMLA or other applicable leave laws.

1015.1.2 ELIGIBLE PERSONNEL

Any full time regular or probationary employee of this department is eligible for a transitional duty assignment if:

- (a) The employee is currently unable to perform some or all of the employee's regular work duties for a limited period of time due to a medically verified illness, injury or disability; and
- (b) The employee is qualified to perform other work duties that are beneficial to the department and are consistent with the employee's medical restrictions.

1015.1.3 GENERAL GUIDELINES

(a) Our ability to provide transitional duty assignments is limited in quantity and variety. Therefore assignments may be changed or discontinued at any time, if the Chief of Police or his or her designee determines that the transitional duty assignment is no longer in the best interests of the department. Changes to the transitional duty assignment shall be subject to approval by the employee's treating provider.

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(b) This policy is not intended to affect the rights of employees under provisions of the Family and Medical Leave Act, Oregon Family Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, the Oregon Workers' Compensation Law, or other federal or state law.

(c) Assignment to transitional duty work shall not affect an employee's eligibility for pay increases, promotions or benefits, provided the employee continues to meet the general criteria required for other employees. However, employees assigned to transitional duty work shall not be compensated for on call or standby pay unless they remain subject to call out in their light duty capacity.

(d) No specific position within this agency shall be established for use as a transitional duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on transitional duty assignment.

(e) Transitional duty assignments are strictly temporary and should be evaluated every 30 days on a case by case basis. Personnel on transitional duty assignment who are not capable of returning to the essential job functions of their regular position at the end of a 30 day evaluation cycle may present a request for extension to the Chief of Police. The employee will be expected to authorize the Chief of Police to obtain current medical information regarding the employee's prognosis prior to evaluating the request for extension.

(f) Employees on transitional duty assignment are prohibited from engaging in any form of outside employment or recreational activity that may reasonably be expected to exceed the medical restrictions that caused the need for the transitional duty assignment.

(g) Depending upon the nature and extent of the employee's restrictions, as well as the nature of the transitional duty assignment, an officer on transitional duty may be restricted from wearing the departmental uniform, carrying a service weapon or otherwise engaging in active law enforcement activities, as determined by the Chief of Police.

(h) Transitional duty assignments shall not be made for disciplinary purposes.

(i) Temporary transitional duty assignments may be drawn from a range of technical and administrative areas that include, but are not limited to, the following:

Administrative functions

Clerical functions

Desk assignments

Report taking

Communications

Community service

Special projects

(j) Transitional duty assignments shall be made based upon the availability of an appropriate assignment given the employee's knowledge, skills, abilities, and limitations imposed by the

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employee's medical provider, as well as the beneficial value of the work to the department. If all other factors are deemed to be equal, assignments for the same type of work shall generally be made on a first-come first-served basis.

(k) An employee's transitional duty assignment will generally be paid at his or her normal rate of compensation, with the goal of assigning the employee to a position consistent with his or her rank and pay classification. However, where appropriate, the department reserves the right to assign employees to work duties normally carried out by personnel of a lower rank or pay classification.

1015.1.4 REQUESTS FOR ASSIGNMENT TO TRANSITIONAL DUTY

(a) Requests for a transitional duty assignment shall be submitted to the Chief of Police. Employees requesting transitional duty will be required to sign an authorization for the Chief of Police or his or her designee to obtain detailed medical information from the employee's treating provider regarding the employee's limitations and prognosis. All transitional duty assignments are conditioned on written approval from the employee's treating provider.

(b) An employee's failure or refusal to cooperate with the department's efforts to obtain satisfactory medical documentation shall be sufficient grounds for denial of the transitional duty request.

(c) An employee who has not requested a transitional duty assignment may be recommended for such assignment by submission of a request from the employee's immediate supervisor, unit commander, or the Human Resources Director. The employee will have the opportunity to meet with the Chief of Police or his or her designee to discuss the recommendation for a transitional duty assignment. No employee will be expected to agree to a transitional duty assignment that is inconsistent with or exceeds the restrictions imposed by the employee's medical provider.

(d) An employee's refusal to accept an appropriate transitional duty assignment may affect the employee's right to receive benefits under the Workers' Compensation Law.

Lactation Break Policy

1016.1 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.

1016.2 POLICY

It is the policy of this [department/office] 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).

1016.3 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 Dispatch or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt [department/office] operations.

Once a lactation break has been approved, the break should not be interrupted except in emergency or exigent circumstances.

1016.4 PRIVATE LOCATION

The [Department/Office] 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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1016.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the [Department/Office] shall clearly label it as such and shall remove it when the member's shift ends.

Outside Employment

1017.1 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.

1017.1.1 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.

1017.2 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 a memorandum which shall be submitted to the employee's immediate supervisor. The memorandum will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be notified in writing. Outside employment will be reviewed annually.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the memorandum at the time of the denial.

1017.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Memorandum is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Collective Bargaining Agreement (CBA).

1017.2.2 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.

1017.3 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

1017.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

No member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance

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of the desired service. Such outside overtime will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 1. The officer(s) shall wear the departmental uniform/identification.
 2. The officer(s) shall be subject to the rules and regulations of this department.
 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 5. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1017.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1017.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, 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.

1017.4 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.

1017.5 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

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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.

1017.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their Division Commander 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 Division commander 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 memorandum.

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 Ashland 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

1018.1 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.

1018.1.1 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 Ashland Police Department (ORS 656.005(7); ORS 656.802).

1018.2 POLICY

The Ashland 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.).

1018.3 RESPONSIBILITIES

1018.3.1 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).

1018.3.2 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.

1018.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander 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

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Occupational Disease and Work-Related Injury Reporting

the Support Division Commander to ensure any required Oregon Occupational Safety and Health Administration (OR-OSHA) reporting is made as required in the injury and illness prevention plan identified in the Illness and Injury Prevention Policy.

Claims shall be reported to the [department/office]'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).

1018.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Human Resources. Copies of the report and related documents retained by the [Department/Office] shall be filed in the member's confidential medical file.

1018.4 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 Division Commander through the chain of command and a copy sent to the Support Division Commander.

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.

1018.5 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.

1018.5.1 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.

Personal Appearance Standards

1019.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the [Department/Office], employees of this [department/office] shall maintain their personal hygiene and appearance to project a professional image appropriate for this [department/office] and for their assignment.

1019.2 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.

1019.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1019.2.2 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.

1019.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1019.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his or her designee.

1019.2.5 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.

1019.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the [department/office] member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

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Personal Appearance Standards

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the [department/office] member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1019.3 TATTOOS

While on duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible (examples of offensive tattoos would include, but not be limited to those which depict racial, sexual, discriminatory, gang related, or obscene language).

1019.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

Uniform Regulations

1020.1 PURPOSE AND SCOPE

The uniform policy of the Ashland 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:

Department Owned and Personal Property

Body Armor

Personal Appearance Standards

The Ashland Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1020.2 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 that is issued by the department shall be worn.
- (e) All supervisors will perform periodic inspections of their personnel 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.
- (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.
- (i) Mirrored sunglasses will not be worn with any Department uniform.

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Uniform Regulations

- (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. Wrist watch
 - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
 - 3. Medical alert bracelet
 - 4. Stud Earrings in compliance with the Personal Appearance Standards policy.

1020.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1020.3 UNIFORM CLASSES

1020.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie or Department Issued Class A Jacket.
- (b) Polished shoes

Boots with pointed toes are not permitted.

1020.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required
- (b) A navy blue or black crew neck t-shirt must be worn with the uniform
- (c) All shirt buttons must remain buttoned except for the last button at the neck

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- (d) Shoes for the Class B uniform may be as described in the Class A uniform
- (e) Approved all black unpolished shoes may be worn
- (f) Boots with pointed toes are not permitted

1020.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1020.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as SWAT, Central Area Patrol, Motor Officers and other specialized assignments.

1020.3.5 FOUL WEATHER GEAR

Employees may wear department issued or department approved Foul Weather Gear.

1020.3.6 RESERVE OFFICER UNIFORM

The reserve officer's uniform will be the same as for the regular officer with the exception of the badge. All uniform policies, regulations and specifications apply equally to reserve officers.

1020.4 TRANSITIONAL DUTY ASSIGNMENT ATTIRE

Personnel who are temporarily injured, temporarily incapacitated, or medically unable to perform their regular duties may wear the Class B Uniform or follow the Civilian Attire guidelines.

1020.5 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. 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.
- (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.

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- (e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.
- (f) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (g) 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.

1020.5.1 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.

1020.6 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 or polo shirts with a collar, slacks or khaki styled pants, 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 or khaki styled pants, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
 - 1. T-shirt alone
 - 2. Swimsuit, tube tops, or halter-tops
 - 3. Spandex type pants or see-through clothing
 - 4. Distasteful printed slogans, buttons or pins

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5. Sworn personnel should not wear opened toed sandals or thongs unless approved by the Chief of Police.
 - (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 Ashland Police Department or the morale of the employees.
 - (g) Jeans that are in good condition may be worn by investigators or administrative personnel per mission specific activity.

1020.7 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Ashland 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 Ashland Police Department to do any of the following:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication; or any motion picture, film, video, public broadcast, or any website.

1020.8 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. (Policy Manual § 700)

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1020.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Ashland Police Department employees may not wear any uniform item, accessory or attachment unless issued by the Department or specifically authorized under this section.

Ashland Police Department employees may not use or carry any safety item, tool or other piece of equipment unless issued by the Department or specifically authorized by the Chief of Police.

Police Cadets

1021.1 PURPOSE AND SCOPE

Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1021.2 EDUCATION REQUIREMENTS

Cadets are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. Cadets shall complete six semester units of college course work per semester and senior cadets shall complete 12 units per semester.

1021.3 PROGRAM COORDINATOR

The Support Division Commander or their designee will serve as the Program Coordinator. This supervisor will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all cadets and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

1021.3.1 PROGRAM ADVISORS

The Program Coordinator may select individual officers to serve as advisors for the Cadet Program. These officers will serve as mentors for each cadet. Cadets will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. One advisor may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the cadets. Multiple cadets may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

1021.4 ORIENTATION AND TRAINING

Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet Training Manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1021.5 CADET UNIFORMS

Each cadet will be provided two uniforms meeting the specifications described in the Uniform Manual for non-sworn employees.

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Police Cadets

1021.6 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Support Division Commander.

In general, cadets with more time on the job may be assigned to positions requiring more technical skill or responsibility, as well as serving to train cadets for new assignments or those newly hired.

1021.7 RIDE-ALONG PROCEDURES

All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Division Commander. Cadets shall not wear their uniform while participating on a ride-along.

1021.8 PERFORMANCE EVALUATIONS

Performance evaluations for all cadets shall be completed by the end of October of each year.

Nepotism and Conflicting Relationships

1022.1 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.

1022.1.1 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.

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Nepotism and Conflicting Relationships

1022.2 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.

1022.2.1 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

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.

1022.2.2 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 Speech, Expression and Social Networking

1023.1 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.

1023.1.1 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.

1023.2 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 Ashland 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.

1023.3 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 Ashland 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. Examples of the type of information that could reasonably be expected to compromise safety include:

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- 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.

1023.4 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 Ashland 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 Ashland Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Ashland 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 Ashland Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (or any other act that would constitute a misuse of public information in violation of ORS 162.425).

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Employee Speech, Expression and Social Networking

- (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 Ashland 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).

1023.4.1 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 Ashland Police Department or identify themselves in any way that could be reasonably perceived as representing the Ashland 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 Ashland Police Department.

A notice of restrictions on political activities by employees will be posted and maintained by the Department in a place that is conspicuous to all employees as required by law (ORS 260.432).

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized

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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).

1023.5 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 Policy 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)

1023.6 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.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

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Employee Speech, Expression and Social Networking

1023.7 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.

Grievance Procedure

1024.1 PURPOSE AND SCOPE

It is the policy of this [department/office] 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/office]'s philosophy is to promote a free verbal communication between employees and supervisors.

1024.1.1 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/office] 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/office] employee that, if true, would constitute a violation of [department/office] policy federal, state, or local law, as set forth in the Personnel Complaints Policy.

1024.1.2 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.

1024.2 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 Division Commander of the affected division or division.
- (c) If a successful resolution is not found with the Division Commander, the employee may request a meeting with the Chief of Police.

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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.

1024.3 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.

1024.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Support 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.

1024.5 ANNUAL REPORT OF GRIEVANCES

The Support Division Commander will create a report to the Chief of Police 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 Division Commander should promptly notify the Chief of Police if the report identifies any policy manual content that may warrant a critical revision.

Line-of-Duty Deaths

1025.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Ashland Police Department in the event of the death of a member occurring in the line of duty and to direct the [Department/Office] 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.

1025.1.1 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.

1025.2 POLICY

It is the policy of the Ashland 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/office] to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1025.3 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 Division Commander and Dispatch.
 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 Press Information Officer section of this policy).
- (b) The Division Commander 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 Division Commander 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

the temporary Hospital Liaison) and the [Department/Office] Liaison as soon as practicable (see the Notifying Survivors section and the [Department/Office] Liaison and Hospital Liaison subsections in this policy).

1025.4 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, Division Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the [Department/Office] 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/office] 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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- (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/Office] 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/Office] Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Ashland Police Department members may be apprised that survivor notifications are complete.

1025.4.1 OUT-OF-AREA NOTIFICATIONS

The [Department/Office] 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/Office] Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the [department/office] member that the survivors can call for more information following the notification by the assisting agency.
- (b) The [Department/Office] Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the [Department/Office] to pay travel expenses without the authorization of the Chief of Police.

1025.5 NOTIFYING [DEPARTMENT/OFFICE] MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying [department/office] 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/Office] regarding the deceased member or the incident.

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1025.6 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/Office] 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/Office] 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/office] resources. The [Department/Office] Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1025.6.1 [DEPARTMENT/OFFICE] LIAISON

The [Department/Office] Liaison should be a Division Commander or of sufficient rank to effectively coordinate [department/office] resources, and should serve as a facilitator between the deceased member's survivors and the [Department/Office]. The [Department/Office] Liaison reports directly to the Chief of Police. The [Department/Office] 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/office] members are reminded of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.

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- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1025.6.2 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/Office] 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 Ashland 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/Office], 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:

- Arranging transportation for the survivors back to their residence.
- 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.

1025.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the [Department/Office] 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/office] contact for survivors.

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The Survivor Support Liaison should be selected by the deceased member's Division Commander. 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/Office] 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/Office] 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/office]-issued equipment that may be at the deceased member's residence.
 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/office]'s Press 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 Press Information Officer section of this policy).

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- (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/office] 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/Office] 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/Office] to facilitate communications necessary to the assignment. The [department/office]-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1025.6.4 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.
 - 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/office] 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.

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- (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.

1025.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the [Department/Office] 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/Office], 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/office] vehicles and drivers.

1025.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the [Department/Office] 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 Ashland 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.

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1025.6.7 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.
 - 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.

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1025.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the [Department/Office] 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.

1025.7 PRESS INFORMATION OFFICER

In the event of a line-of-duty death, the [department/office]'s [PIO] should be the [department/office]'s contact point for the media. As such, the [PIO] should coordinate with the [Department/Office] Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that [department/office] 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/Office] 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.
- (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/office] 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.

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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.

1025.8 [DEPARTMENT/OFFICE] CHAPLAIN

The [Department/Office] chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting [department/office] members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1025.9 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/office] members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1025.10 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.

1025.11 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.

Employee Commendations

1026.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Ashland Police Department and individuals from the community.

1026.1.1 GUARDIAN TRACKING

Guardian tracking is a web based employee documentation system and shall be used to document all employee recognition / awards.

1026.2 POLICY

It is the policy of the Ashland Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1026.3 COMMENDATIONS

Commendations for members of the [Department/Office] or for individuals from the community may be initiated by any [department/office] member or by any person from the community.

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