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 AND VALUES STATEMENT

MISSION

"The Gresham Police Department is committed to providing high-level service through continued community engagement that seeks to improve the quality of life and maintain the safety of our residents. Recognizing that our employees are a critical resource in this commitment to our community, we will strive to ensure that our officers are highly trained, ethically sound professionals who are focused on servicing the needs of the community."

VALUES

Service: We are dedicated to improving the quality of life in our city through professional and quality service. We are committed to protecting life and property, preventing crime, reducing fear, and providing for a safe environment. We are constantly striving to work with the community to solve problems and to be responsive to community needs and concerns.

Integrity: We will uphold the public trust by being honest, truthful, and consistent in our beliefs and actions. We hold ourselves accountable to the highest standards of moral and ethical conduct, and strive to be role models for the community.

Respect for the Individual: We will respect and protect the Constitutional rights of all citizens, treating them with courtesy and respect and using force only when necessary. We are dedicated to protecting the rights of our employees by providing equal employment opportunities and enhancing their work lives through fair and equitable treatment. The dignity of everyone is central to the way we conduct our business.

OBJECTIVES

Removing the social causes of crime — Apprehension

Once a crime has been committed, it is the duty of the Department to initiate the criminal justice process by identifying and arresting the perpetrator, obtaining necessary evidence, and cooperating in the prosecution of the case.

Deterrence of Crimes — Deterrence

While there are certain crimes that cannot be deterred, crimes committed against property and against innocent victims in public places are reduced by patrols. Street crime is curbed by the potential criminal's fear of immediate apprehension or by the increased likelihood of detection.

Deterrence requires the investigation of behavior, which reasonably appears criminally directed, but not oppression of reasonable and lawful citizen activity.

Reducing the opportunity to commit crimes — Prevention

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Cause/Removal Prevention — an effective means of crime prevention aimed at removing or reducing the underlying social causes of crime, i.e. education, employment opportunities, better housing, etc.

Engagement — an approach to developing community relationships through interaction and open communication. Developing a partnership with the community that includes mutual respect, listening and dialogue to develop crime-fighting strategies as well as crime.

Physical Crime Prevention Strategies — approach the problem by reducing the opportunity to commit an offense. Placing valuables in vaults, removing keys from vehicles, using deadbolt locks on doors, properly installing and using alarm systems, and environmental design are all physical crime prevention measures.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Gresham 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:

1. A peace officer may arrest a person for a crime at any hour of any day or night.
2. A peace officer may arrest a person for a crime, pursuant to ORS 133.310 (Authority of peace officer to arrest without warrant) (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.
3. 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.
4. In order to make an arrest, a peace officer may use physical force as justifiable under ORS 161.235 (Use of physical force in making an arrest or in preventing an escape), ORS 161.239 (Use of deadly physical force in making an arrest or in preventing an escape) and ORS 161.245 ("Reasonable belief" described).
5. 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.
6. 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.
7. A person may not be arrested for a violation except as provided by ORS 153.039 (Stop and detention for violation) and 810.410 (Arrest and citation).

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100.3 CONSTITUTIONAL REQUIREMENTS

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

100.4 POLICY

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

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

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When an officer enters California, Idaho or Nevada in fresh pursuit of a person who the officer has probable cause to believe has committed a felony (Penal Code § 852.2 (California); Idaho Code 19-701 (Idaho); NRS 171.158 (Nevada)).

(c) When an officer enters Washington while in pursuit of a person the pursuing officer has probable cause to believe has committed a felony; or violation related to driving while intoxicated, driving while under the influence of drugs or alcohol, driving while impaired or reckless driving (RCW 10.89.010).

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

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Public Safety Certification

101.1 PURPOSE AND SCOPE

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

101.2 BASIC CERTIFICATION

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

101.3 SUPERVISORS AND MANAGERS

In addition to basic certification, supervisors and mid-level managers are expected to meet the qualifications for supervisory or management level certification, respectively, within two years of each appointment (OAR 259-008-0060).

101.4 MAINTENANCE OF CERTIFICATION

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

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

The Training Unit is responsible for monitoring the certification requirements of all Gresham Police Department sworn and civilian members.

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Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 OATH OF OFFICE

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

"I, (state name), do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and the Charter and Ordinances of the City of Gresham and that I will faithfully and impartially discharge the duties of (position about to assume) of the City of Gresham, county of Multnomah, State of Oregon, according to the best of my ability, so help me God."

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

102.2.1 CRIMINAL JUSTICE CODE OF ETHICS

All members of the Gresham 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 Gresham 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.

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Gresham 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 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 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 Gresham 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 Gresham 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 Gresham

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

Department/GPD - The Gresham Police Department.

DHS - Department of Human Services.

DMV - The Department of Motor Vehicles.

Employee/personnel - Any person employed by the Department.

Manual - The Gresham Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Gresham Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Civilian 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 Gresham 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.

Senior Officer in Charge - When two or more members of equal rank are simultaneously assigned to the same operation, the member with the longest service in rank will be in charge, except when otherwise ordered by a command 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

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supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

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

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

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL

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

Each member shall acknowledge that they have been provided access to, and has had the opportunity to review the Policy Manual and 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 by the Services Division.

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 they have reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

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

Each Division Commander will ensure that members under their 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 supervisors, who will consider the recommendations and forward them to the command staff as appropriate.

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Chief of Police

104.1 PURPOSE AND SCOPE

All Chiefs of Police employed within the State of Oregon are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief of Police of the Gresham 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 Gresham 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.

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Chapter 2 - Organization and Administration

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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 the best possible service to the public.

200.2 DIVISIONS

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

(a) Administration Division

(b) Operations Division

(c) Services/Investigation Division

200.2.1 ADMINISTRATION DIVISION

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

200.2.2 OPERATIONS DIVISION

The Operations Division is commanded by a Captain, whose primary responsibility is to provide general management direction and control for the Operations Division. The Operations Division consists of Patrol and SERT, which includes specialty assignments to support uniformed patrol.

200.2.3 SERVICES/INVESTIGATION DIVISION

The Services and Investigation Division is commanded by a Captain, whose primary responsibility is to provide general management direction and control for Services and Investigations.

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 member of Command Staff to serve as the acting Chief of Police.

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

(a) Captain

(b) Watch Commander

(c) Investigations Lieutenant

(d) Acting Watch Commander

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200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g. K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

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

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

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

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, department policy, or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict, or clarifying that the order is intended to countermand the previous order or directive. In which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

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

200.4 ACCOUNTABILITY

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

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Watch Commanders

201.1 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 Lieutenant heads each watch.

201.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Lieutenant is unavailable for duty as Watch Commander, in most instances the senior qualified sergeant shall be designated as acting Watch Commander. This policy does not preclude designating sergeants with less seniority as an acting Watch Commander when operational needs require or training permits.

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Special Orders

202.1 PURPOSE AND SCOPE

Special Orders establish an inter-departmental 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.

202.1.1 SPECIAL ORDER PROTOCOL

Special Orders will be incorporated into the manual as required upon approval from the Chief of Police. 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.

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.

202.2 RESPONSIBILITIES

202.2.1 COMMAND STAFF REVIEW

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

202.2.2 CHIEF OF POLICE

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

202.3 ACCEPTANCE OF SPECIAL ORDERS

All employees are required to read and obtain any necessary clarification of all Special Orders. All employees are required to acknowledge in writing the receipt and review of any new Special Order. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Unit of the Services Division.

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Emergency Operations Plan

203.1 PURPOSE AND SCOPE

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

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

203.2 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.

203.2.1 RECALL OF PERSONNEL

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

203.3 LOCATION OF MANUALS

The manual for the employees is available on the City's website or in the department's Record Section and attached to this policy (See attachment: City of Gresham Emergency Operations Plan.pdf). All supervisors should familiarize themselves with the Emergency Operations Plan and what roles police personnel will play when the plan is implemented.

203.4 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.

203.4.1 ADDITIONAL EVACUATION REQUIREMENTS - RECORDS DESK PERSONNEL

If the holding facility is occupied at the time of the evacuation, the PRS assigned to the main desk will raise the Sally Port gate. An officer who has a person in custody should be assisted by another officer when evacuating from the holding facility. The officers should evacuate through the Sally Port or other safe exit. Officers from outside agencies using the facilities at the time of the evacuation alarm may need verbal instruction on door use and exit routes.

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If an officer is not present in the building during an evacuation, the on-duty PRS will utilize the intercom system and electric door equipment to instruct person(s) in custody on the appropriate evacuation route. Only sworn personnel will enter the holding facility to remove subjects in custody.

When electric equipment is not functioning, an officer is not in the building, or the subject in custody has trouble understanding or following instructions, the on-duty PRS will notify 9-1-1 that evacuation of subject from the cell area is necessary and that an officer should respond immediately.

The main desk PRS will notify BOEC that the GPD is being evacuated due to a building emergency and will then leave the area by the nearest safe exit.

203.4.2 ADDITIONAL EVACUATION REQUIREMENTS - OFFICER RESPONSIBILITY
Officers who have persons in custody will immediately direct the person from the building to a safe area.

When an electrical power failure is combined with an evacuation alarm and the door strike and intercom system is inoperative, the officer will

- Use their key to open the cell doors and direct the person in custody from the cell area, out of the building into the Sally Port area, or to another safe exit
- When the Sally Port is used as the exit and the gate is down, the officer will request fire personnel be alerted to respond and assist with the evacuation and potential breach of the Sally Port gate

203.5 UPDATING OF MANUALS

The EOC Supervisor 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.

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Training

204.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. Additionally, the City will make efforts to provide training opportunities as outlined in the Collective Bargaining Agreement 21.7. By doing so, the department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

204.2 PHILOSOPHY

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

204.3 OBJECTIVES

The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public

(b) Increase the technical expertise and overall effectiveness of our personnel

(c) Provide for continued professional development of department personnel

(d) Enhance the safety of officers and the community

(e) Improve job satisfaction

(f) Decrease liability exposure

204.4 TRAINING PLAN

A training plan will be developed and maintained by the Training Unit. It is the responsibility of the Training Unit 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
- High-liability issues training
- Training on department policies and procedures

204.5 TRAINING NEEDS ASSESSMENT

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

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204.6 TRAINING COMMITTEE

The Training Unit may establish a Training Committee, which will serve to assist with identifying training needs for the department. The Training Unit will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the department and available resources.

204.7 TRAINING PROCEDURES

All employees assigned to training shall attend unless previously excused by their division/shift supervisor. Excused absences from mandatory training should be limited to:

(a) Court appearances.

(b) Pre-scheduled and/or approved leave and/or vacation.

(c) Sick leave.

(d) Physical limitations preventing the employee's participation.

(e) Emergency situations.

When an employee is unable to attend mandatory training, that employee shall:

(a) Notify his/her supervisor as soon as possible.

(b) Document his/her absence on the appropriate training form with an explanation.

(c) Make arrangements through his/her supervisor and the Training Unit to attend an alternate date.

An employee who needs to leave a training session early should do so in a manner that is not disruptive to the class and has prior approval from their supervisor. The employee will advise the instructor at the first opportunity of a need to leave early. The instructor shall decide whether a partial attendance is acceptable or if the entire training needs to be rescheduled.

All employees, regardless of rank or position, shall comply with the directions of the instructor.

Instructors should ensure that all training is structured to use time efficiently and effectively. Training sessions should start at the scheduled time, and all necessary training resources should be available and ready for the session. Instructors shall record attendance and note partial or total absences. This record should also reflect the actual time spent training. The completed training record shall be forwarded to the Training Section.

204.7.1 TRAINING APPLICATION AND APPROVAL PROCESS

In-Service Training

Employees shall be automatically assigned to in-service training. Employees shall receive a Training Order issued by the Training Section. Scheduling of students and instructors is a cooperative effort. The Training Sergeant, Lieutenant, and Sergeants or Lead Instructors in charge of specialty units will create the schedule.

Local Training Classes, Conferences, Seminars

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Employees requesting attendance shall submit an electronic training request. This request shall be submitted through the employee's chain-of-command and should arrive in the Training Section at least 20 days before the training whenever possible. The ultimate approval decision lies with the Division Commander.

Out-of-Area Training Classes, Conferences, Seminars

If out-of-area training requires an overnight stay, the employee shall submit an electronic training request. This request shall be submitted through the employee's chain-of-command and should arrive in the Training Section at least 30 days before the training. The ultimate approval decision lies with the City Manager's Office.

College Courses and Voluntary Training

College courses or training classes attended on an employee's own time and expense are eligible for training credit. Employees who wish to have voluntary training or education credits included in their training files must complete a Training Credit Request Form.

204.8 TRAINING COSTS

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

204.9 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Gresham Police 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 Training Unit.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Services 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 logoff the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of this agency who are not affiliated with the City of Gresham Police Department.

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 otherwise directed from a supervisor.

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Training

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

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Electronic Mail

205.1 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 ORS 192.311 et seq. Messages transmitted over the email system must only be those that involve City business activities or contain information essential to City employees for the accomplishment of business-related tasks, and/or communication directly related to City business, administration, or practices.

205.2 REQUIREMENT TO READ AND RESPOND

(a) Members are required to read their email at least once per shift and respond, if necessary, in a reasonable amount of time.

(b) Members are not required to read or respond to email when off duty or during a system outage or technical failure that prevents the receipt or sending of email.

(c) Members will respond (when applicable) to important emails within four business days, or sooner if required by the subject matter.

(d) Emails classified as important include, but not limited to the following subjects:

1. Command Staff Communications
2. Directives
3. Special Orders
4. Training Bulletins
5. All other emails that are job-related, time sensitive, and mandatory for the recipient
6. These include wanted bulletins, information bulletins, investigative follow-up requests, statement requests, pre-trial discovery requests, and seizure hearing notices.

205.3 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its email system or that is stored on any department system. The Department and/or City will make every effort to protect Personally Identifying Information in disclosed messages. Likewise, employees are prohibited from receiving, sending or storing email messages in personal files. The Department reserves the right to access any personal folders to assure compliance with this policy.

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

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

205.4 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or their designee. 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.

205.5 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 City of Gresham's Information and Technology (IT) Department shall ensure email messages are retained and retrievable as outlined in state law.

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Administrative Communications

206.1 PURPOSE AND SCOPE

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

206.2 PERSONNEL ORDER

Personnel Orders 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.

206.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all formal external correspondence shall be on department letterhead. All department letterhead shall bear the signature element of the Chief of Police. Personnel should use department letterhead only for official business and with approval of their supervisor. An email is considered informal communication and therefore does not require letterhead.

206.4 SURVEYS

All surveys made in the name of the department shall be authorized by the Chief of Police.

206.5 INFORMATIONAL MEMOS

Any department employee may issue memoranda to department personnel from time to time for the purpose of disseminating information to the members.

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Staffing Levels

207.1 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.

207.2 MINIMUM STAFFING LEVELS

The established minimums of regular officers will be scheduled for Patrol. In the event minimum staffing is not met, supervisors have the authority to fill Patrol minimums from other units or off-duty officers to fill these deficits. Additionally, Watch Commanders will ensure that at least one field supervisor is deployed during each watch.

207.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, an officer may be used as a field supervisor in place of a field sergeant. With prior authorization from the Operations Division Commander, an officer may act as the supervisor for a limited period of time.

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Standards of Conduct

208.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Gresham Police Department and are expected of its 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 member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the department or the member's supervisors.

This policy applies to all employees (full and part-time), and volunteers.

208.1.1 DEFINITIONS

Financial relationship- An association, affiliation, fraternization or union (other than an ordinary customer or depositor relationship with an individual, business, retail establishment, public utility or bank) formed through interaction in which an individual benefits by receiving a salary, royalty, intellectual property rights, consulting fee, honoraria, ownership interest, or other financial benefit.

Personal relationship - An association, affiliation, fraternization or union formed through interaction, companionship, interplay and mutuality, including but not limited to: dating, marriage, cohabitation or other intimate relationship beyond mere friendship.

208.2 DISCIPLINE POLICY

The continued employment of every employee of the Gresham Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines outlined in this policy, whether on-duty 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 their position.

A member suspended for disciplinary reasons may be required to surrender their badges and identification card to the Chief of Police for the period of their suspension. The member under suspension will not wear their uniform or any part thereof.

208.3 DIRECTIVES AND ORDERS

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

Members knowing of other members violating laws, ordinances, or Department orders shall report it to a command officer. If the information is of such gravity that it must be brought to the immediate personal attention of the Chief of Police, the chain of command may be bypassed.

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208.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that conflicts with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting, lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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

208.3.2 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 thoroughly report any known misconduct of a member to their immediate supervisor or to document such misconduct appropriately or as required by policy

(c) Directing a subordinate to violate 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 purposes

(e) Any member who may be placed temporarily in a position of higher rank by proper authority shall exercise the authority and perform the duties of such higher position, and shall be held responsible in like manner as if appointed such higher position. They shall be careful not to interfere with or countermand any order issued by the member whose place he temporarily occupies, except when the expediency of official police duties demands. He shall then make an explanatory report in writing.

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208.4 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.

No employee will be disciplined without Just Cause. The Just Cause standards are listed in the CBA Article 10.3.

208.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

208.5.1 LAWS, RULES, AND ORDERS

(a) Violation of ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement,or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

208.5.2 ETHICS

All employees are subject to the requirements and exceptions of the Gresham Employee Manual Chapter-14 as well as ORS 244. A member cannot use or attempt to use their position to gain influence or authority for non--department business or activity (ORS 244.040).

(a) The violation of policy or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(b) The receipt or acceptance of a reward (gift) or fee from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(c) Acceptance of fees, gifts, or money contrary to the rules, and/or laws of the state.

(d) Offer or acceptance of a bribe or gratuity.

(e) Misappropriation or misuse of public funds, property, personnel or services.

(f) Any other failure to abide by the standards of ethical conduct.

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208.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

208.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department or where unavoidable because of a familial relationship to the member.

(f) Except as required in the performance of official duties, in the case of immediate relatives, or with documented approval by the chief of police, employees shall not develop or maintain a friendship, personal relationship, or financial relationship with any organization or individual they know or reasonably should know are under criminal investigation, are convicted felons, parolees, fugitives, registered sex offenders, or who willfully engage in crimes.

208.5.5 ATTENDANCE

Some examples of potential violations of standards of conduct for attendance are as follows:

(a) Leaving the job which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

Members shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant

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of information required for the proper performance of duty so that they may immediately assume their duties. After any absence from duty, a member shall, upon returning to duty, carefully read all policies issued during their absence and reports pertaining to their duty assignment.

208.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with the Gresham Police Department.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any Gresham Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

(f) No person shall be permitted to solicit contributions, subscriptions, sell tickets or engage in direct selling of merchandise to members in general within the Department building without authorization from the Chief of Police. Members shall not participate in any form of recreation within the Department area, except in areas designated for those activities.

(g) No member will duplicate any Department key unless authorized by a command officer.

208.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 30 days of any change in residence address, contact telephone numbers or marital status.

(f) Members shall not read, play games, watch television or movies or otherwise engage in entertainment while on duty, except as may be required in the performance of duty. They shall not engage in activities that would cause them to neglect or be inattentive

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to duty. While on duty a member shall always be readily available for service and shall remain at their duty station until properly relieved.

(g) Members shall treat superior officers, subordinates and associates with respect. They shall be courteous and civil at all times in their relationship with one another. When on duty and particularly in the presence of the public, members should be referred to by rank.

208.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during any work--related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department--related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of the Gresham Police Department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency, and discipline of the Gresham Police Department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

    (a) While on department premises.

    (b) At any work site, while on-duty or while in uniform, or while using any department equipment or system.

    (c) Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

    (a) Unauthorized attendance while on--duty at official legislative or political sessions.

    (b) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on--duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

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(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

(i) Any act on- or off--duty that brings discredit to this department.

(j) No member of this Department shall display any cowardice or fail to support their fellow members in the performance of duty.

(k) Employees are always subject to orders from superior officers and to request for official police assistance from private persons. The fact that they may be technically off duty shall not relieve them from the responsibility of taking proper police action in any matter coming to their attention. When there is no urgent or immediate need for police action, the employee may request the dispatcher to turn the matter over to officers on duty, but they shall take action as may be required prior to the arrival of the dispatched officers.

(l) No member of the Department will recommend an attorney to any person except members of her/his immediate family and friends. Members of the Department will not act as bailors for any person in custody except members of her/his immediate family.

208.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency and that may result in the member's criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of the Gresham Police Department or the City.

(g) In the performance of their duties, members shall not use coarse, violent, profane or insolent language or gestures.

(h) Criminal, dishonest, or disgraceful conduct, whether on or off-duty, that adversely affects the member’s relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member’s conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract, to include fraud in securing the appointment or hire.

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(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on or off--duty conduct which any member knows or reasonably should know is unbecoming a member of the Gresham Police Department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

(n) No member shall destructively criticize the Department or its policies, programs, actions, or members or make any statement that tends to interfere with the reasonable management and discipline of the Department.

(o) Members shall not make statements or spread rumors in regard to future Department policies or activities, or make statements regarding public events, crimes or catastrophes unless they know, of their own knowledge, that such statements are true.

(p) Members shall not permit themselves to become involved in any private arrangement between a criminal and a victim to permit the offender to escape the full penalty provided by law. Members shall not take part either directly or indirectly in privately negotiating a compromise for the purpose of permitting any person to escape the penalty of the law or full responsibility for his acts. The member shall not, in any way, interfere with the usual procedure of any court. No member shall participate in any private pre-trial agreement to settle a criminal case for consideration of favorable settlement of pending personal civil action.

(q) When on duty, Officers shall carry their badge and identification cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. Members shall furnish their name and badge or DPPST number to any person requesting that information, when they are on duty or while representing themselves as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by the Chief of Police.

(r) Members will not conduct personal business while on duty except when said personal business is of an immediate and pressing nature and the member has first obtained permission of a command officer. Lunch periods are exempted for non-uniform members.

(s) It is the principle responsibility of every member of the Department to promptly, courteously and effectively assist the public. The invariable policy of this Department is that the need for assistance by a citizen takes precedence over any activity except those of an emergency nature. It will never be acceptable to place routine Department business ahead of providing service to a member of the public. Prompt assistance will be rendered whether requested in person, by telephone or by letter. A basic principle is the immediate attendance to the needs of any person without referral to any other member or agency unless this cannot be avoided.

(t) All members of the Department operating police radios either from a mobile unit or a base station shall strictly observe regulations for such operation as set forth by Department orders and by the Federal Communications Commission. Members assigned radios shall always have them turned on and set on the proper channel on duty.

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(u) In the absence of a specific procedure, the assigned officer is in command and shall be responsible for investigation and/or direction of police investigation at the scene of any crime or incident until relieved by proper authority. Seniority in grade is not a factor in the assumption of command. Good police practices shall prevail in all Department actions. If a senior officer recognizes that such practice is not being followed, he shall take appropriate action. Appropriate action shall be dictated by the totality of the circumstances and may range from offering a simple suggestion to taking command at the scene.

208.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on or off-duty.

(e) Carrying, while on-duty, any firearm or other lethal weapon that is not authorized by the Gresham Police Department.

(f) Unsafe driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable, but within 24 hours.

(i) Members shall be responsible for keeping locker rooms clean and free of any potential hazards. Members will always lock their locker when it is left unattended. Lockers may be inspected by any command officer at any time.

208.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to consume to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance or illegal drug to any work site.

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Chapter 3 - Critical Tasks

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Report Preparation

300.1 PURPOSE AND SCOPE

Proper report preparation is the foundation of a law enforcement professional. The purpose of documentation is to accurately describe an event and capture the needed elements of the crime or crimes. Police reports provide sufficient information for officers to refresh their memory for impending legal proceedings and convey the required components needed for follow-up investigation, with a goal of achieving a successful prosecution.

300.1.1 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. Employees called back to work after concluding their shift by the reviewing supervisor will follow the GPOA Collective Bargaining Agreement regarding compensation for corrections.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who generate reports on computers are subject to all requirements of this policy.

All reports should accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any pertinent actions taken. Employees shall not intentionally suppress, conceal or distort the facts of any reported incident, nor shall any employee intentionally 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.

300.2 REQUIRED REPORTING

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

300.2.1 CRIMINAL ACTIVITY REPORTING

When an employee 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 should ensure the incident is documented regardless of whether or not a victim desires prosecution. The following are examples of incidents requiring documentation via a computer-aided dispatch (CAD) log and/or crime report:

(a) All arrests.

(b) All felony crimes.

(c) Non-felony incidents involving threats of imminent physical harm or stalking-like behavior.

(d) Situations covered by separate policies.

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(e) All misdemeanor crimes where the victim desires a report.

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

300.2.2 NON-CRIMINAL ACTIVITY

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

(a) Any use of force against any person by a member of this department (see the Use of Force Policy)

(b) Any firearm discharge (see the Firearms Policy)

(c) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy)

(d) Any found property or evidence

(e) Any traffic collisions above the minimum reporting level (see the Traffic Collision Reporting Policy)

(f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(g) All protective custody detentions

(h) Suspicious incidents that may place the public or others at risk

(i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

300.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident, and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths

(b) Suicides

(c) Homicide or suspected homicide

(d) Unattended deaths (No physician or qualified hospice care during the period immediately preceding death)

(e) Found dead bodies or body parts

300.2.4 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.

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300.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department should require an appropriate report when:

(a) The injury is a result of drug overdose

(b) The injury is major/serious, whereas death could result

(c) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident they deem necessary.

300.2.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property

(b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item

1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number

(c) Misdemeanor vandalism with no suspect information and no hate crime implications

(d) Theft from a vehicle with no suspect information or evidence

(e) Stolen vehicle attempts with no suspect information or evidence

(f) Annoying telephone calls with no suspect information

(g) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor

(h) Supplemental property lists

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission [FCC] website for identity theft, Internet Crime Complaint Center [IC3] website for computer crimes).

300.2.7 UUV REPORTS BY PHONE

For telephonically taking a UUV report from a registered owner of a stolen vehicle:

(a) Confirm the caller is the registered owner. The officer may wish to verify information on the vehicle registration printout, such as date of birth and address, with the caller. Optionally, if the registered owner has a driver's license, you may wish to verify driving record information as well.

(b) If you have ANY doubt about the caller being the registered owner, the officer should take the call in person.

(c) Do not take UUV reports by phone from persons whom:

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(a) Claims to have a bill of sale or a signed-over title, but has not yet registered the vehicle, or

(b) Claims to have borrowed the car from the registered owner

(d) Read the complainant the information regarding false reports, towing and storage charges, and willingness to prosecute.

300.3 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 report or a report delayed without supervisory approval is not acceptable.

300.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should notify the employee. The original report 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.

300.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered, except for the Records Unit modification for the purpose of NIBRS reporting. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

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Use of Force

301.1 PURPOSE AND SCOPE

This policy provides members guidelines on the reasonable use of force as well as responsibilities reporting the 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.

301.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly Physical Force- Physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury.

De-escalation: A deliberate attempt to prevent or reduce the amount of force necessary to resolve the confrontation.

Involved Member - A member who is involved in the actual application of deadly physical force or directed another to use deadly physical force. Also, a member directly involved in the custody of a subject, which resulted in an in-custody death.

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

Reasonable - An objective standard of force viewed from the perspective of a reasonable officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances presented at the moment the force is used.

Witness Member - A member who observed an involved officer use deadly physical force, or observed the directed use of deadly physical force, or observed the actions of an event surrounding an in-custody death, but was not directly involved in the custody that resulted in an in-custody death.

301.2 POLICY

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

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

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

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301.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the totality of the circumstances shall, when in a position to do so, intercede to immediately stop or prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

301.2.2 DE-ESCALATION

Members shall use de-escalation techniques, when time and circumstances reasonably permit. De-escalation techniques may provide members the opportunity to stabilize the scene or reduce the necessity for or intensity of force, so more time, options and resources are available to resolve the confrontation. Members shall take proactive steps in an effort to eliminate the immediacy of the threat, establish control and minimize the need for force.

De-escalation techniques include, but are not limited to:

(a) Using verbal techniques to calm an agitated subject and promote rational decision making;

(b) Allowing the subject appropriate time to respond to direction;

(c) Communicating with the subject from a safe position using verbal persuasion, advisements, or warnings;

(d) Decreasing exposure to a potential threat by using distance, cover, or concealment;

(e) Placing barriers between an uncooperative subject and an officer;

(f) Ensuring there are appropriate resources requested;

(g) Containing a threat;

(h) Moving to a safer position.

301.3 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 in order 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

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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.

The ultimate objective of every law enforcement encounter is to come to a safe conclusion. Nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

301.3.1 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.

301.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

(a) Immediacy and severity of the threat to officers or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of drugs or alcohol.

(e) Subject’s mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(h) The availability of other options and their possible effectiveness.

(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.

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(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.

301.3.3 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.

301.3.4 USE OF FORCE TO SEIZE EVIDENCE

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

301.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

(a) An officer may use deadly physical force to protect themselves or others from what they reasonably believe would be an imminent threat of death or serious physical injury.

(b) An officer may use deadly physical 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 use or threatened imminent use of serious physical injury or death, and the officer reasonably believes that there is an imminent risk of serious physical 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

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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 physical injury or death without a weapon and it is reasonable to believe the person intends to do so.

301.4.1 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.

301.5 MEMBERS 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 before the end of the members shift, unless approved by a supervisor. The officer should articulate the factors perceived and why the officer believed the use of force was reasonable under the circumstances.

If feasible, photographs should be taken of the suspect to include non-injured areas and potential non-visible injuries, areas involving visible injury, complaint of pain, as well as overall photographs. These photographs should be retained until all potential for civil litigation has expired.

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 requirements for reporting use of force include the following;

(a) Whenever physical force is applied during the course of an arrest, over-coming resistance, and the force results in injury;

(b) or is likely to have caused injury, or

(c) is likely to result in civil litigation, or

(d) is otherwise required by the policy, or

(e) Any use of the CEW (Taser), with exception of use against a dangerous animal

301.5.1 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.

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(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 CEW or control device.

(f) Any application of a restraint device other than handcuffs, R.I.P.P. Restraints, shackles, or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) The individual was struck or kicked.

(i) The individual alleges any of the above has occurred.

301.6 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 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.

301.7 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:

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(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) Ensure initial medical assessment has been completed or first aid has been rendered,

(d) 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.

301.7.1 WATCH COMMANDER RESPONSIBILITY

The Watch Commander shall review each use of force by any personnel within their command to ensure compliance with this policy and to address any training issues.

301.8 TRAINING

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

301.9 USE OF FORCE ANALYSIS

At least annually, the Use of Force Lieutenant or designee, should review and analyze use of force incidents for training purposes. Any written review should not contain the names of officers, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

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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 Gresham 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 Gresham 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 balance officer safety concerns with factors that include, but are not limited to:

(a) The circumstances or crime leading to the arrest

(b) The demeanor and behavior of the arrested person

(c) The age and health of the person

(d) Whether the person is known to be pregnant

(e) Whether the person has a hearing or speaking disability

(f) Whether the person has any other apparent disability

302.3.1 RESTRAINT OF DETAINEES

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

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety such as double-cuffing or handcuffing in the front. Pregnant individuals shall not be restrained by the use of leg irons or waist chains.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances. However, supervisors may determine that such restraints are necessary to prevent escape or injury.

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302.3.3 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer should 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.

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

In situations where one pair of handcuffs does not appear sufficient to restrain the 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 safely confined within a detention facility.

302.5 APPLICATION OF SPIT HOODS AND SOFT HELMETS

Spit hoods and soft helmets are temporary protective devices designed to prevent the wearer from biting and/or transferring fluids (saliva and mucous) to others or causing head trauma to themselves.

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. Soft helmets are used to prevent a person in custody from inflicting injury by hitting their head while in custody. The spit hood and soft helmet 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 applied 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 commingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded.

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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 (RIPP RESTRAINT)

Leg restraints, such as the Ripp Restraint, 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, 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, such as the Ripp Restraint, the following guidelines should be followed:

(a) 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.

(b) 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.

(c) 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.

(d) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(e) 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

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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

(a) 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

(b) 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:

1. The amount of time the suspect was restrained.
2. How the suspect was transported and the position of the suspect.
3. Observations of the suspect's behavior and any signs of physiological problems.
4. Any known or suspected drug use or other medical problems.

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Less Lethal Options

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

The Gresham 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, 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 WATCH COMMANDER RESPONSIBILITIES

The Watch 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 LEAD INSTRUCTOR RESPONSIBILITIES

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

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

303.4.3 USER RESPONSIBILITIES

All normal monitoring of charge capacity or functional cleanliness shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions shall be returned to the Lead Instructor for disposition.

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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/Asp, uniformed personnel shall carry the baton/Asp in an authorized holder that is designed to carry the Asp/baton on the equipment belt or vest. Plainclothes and non-field personnel may carry the baton/Asp as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

303.5.1 BALLISTIC HELMETS

Ballistic helmets should be deployed at all mobile field force activations.

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 Watch Commander, Incident Commander, or SWAT Commander may authorize the delivery and use of tear gas, after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be summoned and staged at the scene as a contingency in case of assistance with fire control, medical aid or gas evacuation becomes necessary. Only officers or supervisors trained in the use of tear gas weapons should discharge such devices at the scene.

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.

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

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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. 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 affected by the use of chemical agents should be provided with access to soap, water, or other appropriate or authorized solutions if available. Those persons who complain of further severe effects shall be afforded a medical examination by medical personnel.

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

(a) 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.

(b) 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.

303.9.2 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT

Examples of circumstances appropriate for deployment include, but are not limited to the following types of situations where the subject:

(a) Is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions

(b) Has made credible threats to harm him or herself or others

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(c) 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

303.9.3 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider the incident factors as they relate to the totality of the circumstances. These examples may include but are not limited to:

(a) Severity of the crime or incident;

(b) Subject's capability to pose an imminent threat to the safety of officers or others;

(c) If the subject is actively resisting arrest or attempting to avoid arrest by flight;

(d) The credibility of the subject's threat to pose an imminent threat to the safety of officers or others;

(e) The proximity of weapons available to the subject;

(f) The officer's versus the subject's physical factors (e.g., age, size relative strength, skill level, injury/exhaustion, the number of officer(s) versus subject(s), etc.);

(g) The availability of other reasonable force options and their possible effectiveness;

(h) Distance and angle to target;

(i) Type of munitions to be deployed;

(j) Type and thickness of subject's clothing; and

(k) The subject's actions that dictate the need for an immediate response and the use of control devices appears reasonable and appropriate.

303.9.4 POST USE MEDICAL CARE

Once a person is in custody, it is the responsibility of the officer(s) to obtain medical aid for any subject who has been struck by a Kinetic Energy Projectile.

(a) When an individual has been struck with one or more Kinetic Energy Projectile rounds, they will be transported to a hospital for a medical review and/or treatment of injuries

(b) If immediate medical attention is needed the officer will immediately request medical assistance

(c) If the suspect refuses medical treatment, they will be transported to the hospital for evaluation

(d) The officer will document any refusal of medical treatment at the hospital

303.10 TRAINING FOR CONTROL DEVICES

The Training Unit 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 re-certified as necessary.

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(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor

(b) All training and proficiency for control devices will be documented in the officer's training file

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

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.

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Conducted Electrical Weapon

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Conducted Electrical Weapon (CEW).

304.2 POLICY

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

304.3 ISSUANCE AND CARRYING CEWS

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

Officers shall only use the CEW and cartridges that have been issued by the Gresham Police Department. Uniformed officers who have been issued the CEW shall wear the device in an approved holster on their person. Non-uniformed officers may secure the CEW in the other department approved holsters and carry the weapon consistent with department training.

Members carrying the CEW should perform a function test on the unit prior to every shift.

When carried while in uniform, officers shall carry the CEW as follows:

(a) If carried on the duty belt or below, the CEW shall be on the side opposite the duty weapon.

(b) If carried on an external vest, the CEW may be mounted on either side but if mounted on the duty weapon side, the CEW shall be setup for a support hand draw.

(c) All CEWs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(d) Whenever practicable, officers should carry at least two cartridges on their person when carrying the CEW.

(e) Officers shall be responsible for ensuring that their issued CEW is properly maintained and in good working order.

304.4 VERBAL AND VISUAL WARNINGS

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

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the CEW may be deployed.

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

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304.5 USE OF THE CEW

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

Officers should not hold both a firearm and the CEW at the same time.

304.5.1 APPLICATION OF THE TASER DEVICE

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

(a) The subject is violent or is physically resisting or depending on the level of crime, attempting to escape

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

Mere flight from a pursuing officer, without other known circumstances or factors, is not allowed under this policy for the use of the CEW to apprehend an individual.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CEW on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) Individuals known to be, or obviously pregnant

(b) Persons known to be, or are obviously older than the age of 60

(c) Children known to be, or obviously under the age of 12

(d) Persons known to be, or are obviously medically fragile

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including oleoresin capsicum (OC) spray

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles, running, bodies of water)

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

304.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower, center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the CEW probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin.

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304.5.4 MULTIPLE APPLICATIONS OF THE CEW
Officers should apply the CEW for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Each deployment of the CEW is a separate use of force, requiring articulated facts to justify each use.

Multiple applications may be necessary if the first application of the CEW appears to be ineffective in gaining control of an individual. The officer should consider certain factors before deploying additional applications of the device, including:

(a) Whether the probes are making proper contact

(b) Whether the individual has the ability and has been given a reasonable opportunity to comply

(c) Whether verbal commands, other options or tactics may be more effective

If avoidable, Officers should not intentionally apply more than one CEW at a time against a single subject.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS
Officers shall notify a supervisor of all CEW discharges. If feasible, both probes and wires, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS
The CEW may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective. This use of the CEW should be documented as information or in the narrative of the officer's report. A Use of Force Report does not need to be completed.

304.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department CEW while off-duty.

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

304.6 DOCUMENTATION
Officers shall document all CEW discharges (except against a dangerous animal consistent with 304.5.6) in the related arrest/crime report and the Use of Force report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

304.6.1 USE OF FORCE REPORTING
Items that shall be included in the Use of Force report form are:

(a) The type and brand of CEW and cartridge and cartridge serial number.

(b) The date, time and location of the incident.

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(c) The number of CEW activations, the duration of each cycle, the duration between activations, and the duration that the subject received applications.

(d) The range at which the CEW was used.

(e) The type of mode used (probe or drive-stun).

(f) The location of any probe impact.

(g) The location of contact in drive-stun mode.

(h) The description of where missed probes went, if possible.

(i) Whether medical care was provided to the subject.

(j) Whether the subject sustained any injuries.

(k) Whether any officers sustained any injuries.

The Lead Trainer should analyze the report forms to identify trends, including deterrence and effectiveness. The Lead Trainer or his appointee should also conduct audits of data downloads and reconcile CEW report forms with recorded activations.

304.6.2 REPORTS

The officer should include the following in the arrest/crime report:

(a) Identification of all personnel firing CEW

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication or other medical problems

304.7 MEDICAL TREATMENT

Consistent with local, medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CEW probes from a person's body. Used CEW probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

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

(a) The person reasonably appears to be in need of medical attention

(b) The person may be pregnant

(c) The person requests medical treatment

(d) The CEW probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck)

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(e) The person is suspected of being under the influence of controlled substances and/or alcohol

Any individual exhibiting signs of distress, or who is exposed to multiple or prolonged applications (i.e., 3 cycles or more than 15 seconds), shall be transported to a medical facility for examination. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

304.8 NEGLIGENT DISCHARGE

An on-duty sergeant will respond and assume investigative responsibility for all negligent or unintentional discharges and route a memorandum to the Defensive Tactics Sergeant. The exception to this is as follows:

Department Training - the Lead Instructor or designated instructor will assume investigative responsibility and route their findings through the chain-of-command to the Defensive Tactics Sergeant.

Officers will be required to attend remedial training with a CEW instructor and demonstrate proficiency prior to being able to carry the device again.

304.9 SUPERVISOR RESPONSIBILITIES

A supervisor should review each activation of the CEW to ensure witnesses were interviewed and photos of the injuries were taken. The supervisor should also verify a Survival Skills Instructor has downloaded and saved the device's onboard memory.

304.10 TRAINING

Personnel who are authorized to carry the CEW shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CEW during the course of their assigned duties for a period of six months or more, shall not carry the CEW until they are recertified by a department-approved CEW instructor, or have attended the annual department CEW training.

Training curriculum and CEW Certification dates shall be stored by the Training Unit and made available upon request.

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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 there is an officer-involved shooting or a person is injured and dies as a result of other actions of an officer.

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

305.2 POLICY

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

This department conforms to the Gresham Police Department Officer-involved Shooting Protocol and any other OIS protocol as established by law for investigating officer involved shootings.

305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include, but not be limited to:

(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.

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This will include at least one investigator from the agency that employs the involved officer.

The location of the shooting or death will determine which law enforcement agency has the jurisdiction to investigate. The following sections outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Gresham Police Department would control the investigation if the suspect's crime occurred in Gresham. If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

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305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

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

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

305.4.3 ADMINISTRATIVE INVESTIGATION

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

305.5 INVESTIGATION PROCESS

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

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

(a) Secure the scene and identify and eliminate hazards for all those involved

(b) Take reasonable steps to obtain emergency medical attention for injured individuals

(c) Request additional resources from the department or other agencies

(d) Coordinate a perimeter in order to pursue suspect(s)

(e) Check for injured persons and evacuate as needed

(f) Brief the supervisor upon arrival

305.5.2 SUPERVISOR RESPONSIBILITIES

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

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should request a brief, voluntary overview statement from one involved officer, in accordance with Garrity and other state and federal rights.

(b) If necessary, the supervisor may administratively order any Gresham officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

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2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Watch Commander and BOEC.If feasible, sensitive information should be communicated over secure networks (which normally does not include email and text messages).

(d) Take command of and secure the incident scene with additional Gresham members until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable and if applicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. Each involved Gresham officer should be given an administrative order not to discuss the incident with other involved officers or Gresham Police Department members pending further direction with exception to Peer Support and GPOA representation.

2. When an involved officer's weapon is taken or left at the scene for other than officer safety reasons (e.g. evidence), ensure that he/she is provided with a comparable replacement weapon before being released or transported by other officers.

(f) Comply with the Body Worn Camera policy and secure the BWC of the involved officer(s) and witness officer(s). Policy 518.7(f):

"After a critical incident, when safe and practical to do so, a supervisor shall retrieve the body-worn camera(s) from involved and witness officers at the scene. The supervisor, or investigative personnel, will be responsible for assuring the Digital Media Evidence (DME) is uploaded. The camera's chain of custody will be preserved and documented in a report. Following an officer involved shooting, use of deadly force or other critical incident, body-worn camera recordings may only be viewed prior to being uploaded when exigent circumstances exist, such as an officer being injured and in order to obtain identifying suspect information or other pertinent information from the body worn camera recordings. DME under these exigent circumstances may be reviewed by only those personnel authorized to assist in this investigation."

305.5.3 WATCH COMMANDER DUTIES

Upon learning of an officer-involved shooting, the Watch Commander shall be responsible for coordinating all aspects of the incident until relieved by an Investigation Division Supervisor.

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305.5.4 NOTIFICATIONS

The Watch Commander or their designee shall ensure timely notification to the following person(s) soon as practical:

(a) Chief of Police

(b) Investigation Lieutenant

(c) District Attorney

(d) Major Crimes Team

(e) Lieutenant supervisor of involved officer(s)

(f) Risk Management

(g) Psychological/Peer support personnel

(h) Medical Examiner (if necessary)

(i) Officer representative such as the GPOA or private counsel

(j) PIO

All outside inquiries about the incident shall be directed to the Watch Commander, on scene supervisor, PIO, or Investigation Division supervisor.

305.5.5 INVOLVED OFFICERS

Once the involved officers have arrived at the station, the Patrol Watch Commander should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officers (ORS 181.789):

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

(b) Discussions with licensed attorneys shall be considered privileged as the attorney-client communication.

(c) Discussions with the officer's representatives (e.g., employee association) are privileged so long as the discussion involves non-criminal information.

(d) At least two sessions with a mental health professional shall be provided by the department to each involved officer within six months after the incident, and, upon request, to any other affected officer. An involved officer must attend at least one such session (ORS 181.789).

1. Interviews with a mental health professional will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.

2. An interview or session with a mental health professional may take place prior to the involved officer providing a formal interview or report, but the involved officers 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.

(e) Communications with peer support members are confidential and may not be disclosed by any person participating in the peer support counseling session (ORS

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

1. Have been designated by a law enforcement agency or employee assistance program to act as a peer counselor; and
2. Have received training in counseling and in providing emotional and moral support to public safety personnel or emergency services personnel who have been involved in emotionally traumatic incidents by reason of their employment.

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

Detectives shall make reasonable accommodations to the officer's physical and emotional needs.

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 Chief of Police or designee to make schedule adjustments to accommodate such leave.

305.5.6 MEDIA RELATIONS

A single, press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Command Staff and Public Information Officer in the event of inquiries from the media.

The name(s) of all officers involved in a shooting that results in serious physical injury or death will only be released by the Chief of Police, or at the Chief's specific direction, and only with the concurrence of the District Attorney's Office. Moreover, no involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Chief of Police.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.6 CRIMINAL INVESTIGATION

It shall be the policy of Gresham Police Department to utilize the District Attorney's Office to provide guidance in a criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, detective personnel from Gresham Police Department may be assigned as a co-lead to "partner" with investigators from the Major Crimes Team so as to not duplicate efforts in related criminal investigations.

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Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

(a) Supervisors and Lieutenant personnel should not participate directly in any voluntary interview of officers.

(b) Any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing, or an attorney, prior to speaking with criminal investigators.

(c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.

(d) Absent consent from the involved officer or as required by law, no administratively coerced statement(s) (Garrity interviews) will be provided to any criminal investigators.

305.6.1 DETECTIVE PERSONNEL

Once notified of an officer-involved shooting, it shall be the responsibility of the Watch Commander or Investigation Division Lieutenant to activate the Major Crimes Team and assign additional detective personnel, as necessary, to handle the investigation of related crimes in compliance with the O.R.S. regarding Officer Involved Shooting Investigations.

All related departmental reports will be forwarded to the designated detective supervisor for approval.

305.6.2 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, the Gresham Police Department will ask involved officers to provide sufficient information for related, criminal reports to facilitate the apprehension and prosecution of those individuals.

305.6.3 WITNESS IDENTIFICATION AND INTERVIEWS

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

(a) Identification of all persons present at the scene and in the immediate area.

    (a) When feasible, a 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.

    (b) Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained, absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

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(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the department.

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) Per instruction from the Investigation Division 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.

(d) However, uninvolved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, the Gresham Police Department will conduct an internal, administrative investigation after the criminal investigation is concluded. This investigation will be conducted under the supervision of the Lieutenant and will be considered a confidential. In the event there is an Internal Affairs investigation, the investigation will follow all applicable IA policies and the CBA.

(a) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interviews.

(b) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, or if there are additional issues that were not covered in the criminal investigation, the assigned IA investigator shall conduct an administrative interview to determine all relevant information, complying with IA policies and the CBA.

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. The officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each, individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

3. Administrative interviews shall be recorded by the investigator (the officer may also record the interview).

4. The officer shall be informed of all constitutional *Miranda* rights and, assuming no voluntary waiver, will then be given an administrative order to provide full and

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truthful answers to all questions. The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The *Garrity* admonishment).

5. The administrative interview shall be considered part of the officer's confidential personnel file.
6. The assigned supervisor shall compile all relevant information and reports necessary for the department to determine compliance with applicable policies.
7. The completed, administrative investigation shall be provided to the involved officer and their representative at the same time it is submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with the department use of deadly force policy.
8. Any other indications of potential, policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

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

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

305.9 AUDIO AND VIDEO RECORDINGS

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 be permitted to review available video or audio recordings with approval of assigned investigators or a supervisor.

Video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the assigned Deputy District Attorney or City Attorney's Office as appropriate.

All viewing of video by an involved officer during an incident will be in compliance with the Body Worn Camera policy.

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Deadly Force Review

306.1 PURPOSE AND SCOPE

This policy establishes a process for the Gresham Police Department to review the use of deadly 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.

306.2 POLICY

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

306.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

306.3.1 INVOLVED OFFICERS

An involved officer will not be required to complete any reports or give any oral or written statement about the deadly use of force, where the use of force has resulted in an injury or death to another individual, before they have had an opportunity to consult with a GPOA representative and/or an attorney. An involved officer shall be provided at least 72-hours advanced notice of any interview of the officer related to an internal affairs investigation or criminal investigation.

All other witness officers may be ordered to complete reports of the incident before going off duty. Reports should contain but not be limited to, information regarding the weapons involved, number of shots fired, persons involved, injuries or damage, names of witnesses, and other pertinent information. The report should specifically state the facts and circumstances of the occurrence, as mentioned in the Report Preparation policy.

306.4 REVIEW BOARD

The Use of Force Review Board will convene at the direction of the Chief of Police or their designee, when the use of force by a member results in serious physical injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding:

(a) Training;

(b) Recreational use;

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(c) Firearms examination in the furtherance of an investigation;

(d) Discharge for the purpose of killing a dangerous or injured animal.

It will be the responsibility of the on-scene supervisor to notify the Watch Commander of the Use of Force. The Watch Commander will notify the Chief of Police and Investigations. Cases involving serious injury or death will be investigated by the Major Crimes Team.

The Use of Force Review Board will:

(a) Recommend whether the use of force was within the parameters of department policies and training; and

(b) Shall not be concerned with penalties for violations of rules, regulations or procedures.

306.4.1 COMPOSITION OF THE BOARD

The Use of Force Review Board shall be composed of a minimum of three members as follows:

(a) One or more supervisors

(b) Applicable subject matter expert (e.g. firearms instructor, EVOC, etc.)

(c) One or more officers of the same rank as the involved officer

306.4.2 RESPONSIBILITIES OF THE BOARD

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

(b) 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 by the Review Board and a union and/or legal representative may be present through all phases of the review process.

(c) 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.

(d) The chairperson shall notify, in writing, each member involved in a case reviewed by the Use of Force Review Board. Such notifications shall be:

1. In a memorandum stating the date, time and location of the meeting, giving involved members sufficient advance notice that their appearance is mandatory.

(e) All Board hearings are confidential and shall be conducted in private. The Board will consider all reports, information, and evidence and if necessary, call witnesses. All department members will cooperate fully with the Board.

(f) Department members appearing before the Board may present testimony, evidence and call witnesses favorable to the analysis of the use of force.

(g) The Board does not have the authority to recommend discipline.

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(h) 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.

(i) 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's an officer's decision regarding the use of force.

(j) The board shall make one of the following recommended findings:

1. The employee's actions were within department policy and procedure.
2. The employee's actions were in violation of department policy and procedure.

(k) A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as 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.

(l) The Chief of Police shall review the recommended findings, make a final determination as to whether the employee's actions were within policy and procedure. Upon the determination, the Chief of Police may:

1. Reinstate the officer to duty if it is determined that the incident was in policy.
2. Refer the matter to the appropriate command staff member for correction of procedural, training, or supervisory deficiencies.
3. Take appropriate disciplinary action.

(m) If the Chief of Police intends to take disciplinary action, an Internal Affairs Investigation policy will be followed.

306.5 REVIEW BOARD RECORDS AND DOCUMENTATION

All records and documentation prepared by the Board will be maintained in the department's administrative files.

A control number will be assigned to each incident coming under the review of the Board.

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Firearms

307.1 PURPOSE AND SCOPE

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

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

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

307.2 POLICY

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

307.3 AUTHORIZED FIREARMS AND AMMUNITION

On duty members shall only use firearms that are issued or approved by the department and have been thoroughly inspected by a designated representative of the firearms program. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

307.3.1 DEFINITIONS

(a) Primary service handgun - The firearm authorized and issued by the Gresham Police Department to be carried as part of the service uniform and related equipment for uniformed personnel.

(b) Secondary service handgun - A department authorized handgun that may be used while working in a special, non-uniformed assignment.

(c) Backup handgun - Any authorized handgun other than the primary service handgun that is carried in addition to the primary service handgun in an authorized concealed manner.

(d) Firearms qualification - Periodic testing required of officers to determine their competency and proficiency to carry authorized firearms.

307.3.2 AUTHORIZED PRIMARY SERVICE HANDGUN

Any make, model, or caliber of firearm that meets the Gresham Police Department's designated requirements, specifications, and has been formally approved by the department Firearms Sergeant or representative for general or individual issue to sworn law enforcement personnel.

Unless otherwise approved by the Chief of Police, all officers whose duties require them to be armed, will be armed or have immediately available, an approved firearm during their duty hours.

Carrying of firearms while on duty:

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(a) Prior to carrying a department firearm, all officers must have completed the DPSST Basic Police Academy, Police Corps Training, or an equivalent type of training that is DPSST certified. The only exception is if an officer is currently in a department training program

(b) Officers shall not be allowed to use or carry any firearm in an official capacity unless minimum proficiency has been demonstrated and qualification requirements met unless circumstances dictate the action is reasonably necessary for the preservation of life, the safety of the officer and/or others.

(c) Uniformed officers and sergeants, while on-duty, will carry a minimum of three loaded magazines of department issued ammunition for their duty handgun

(d) While on duty, non-uniformed officers and command officers will carry a minimum of two loaded magazines of department issued ammunition

(e) Officers will be issued an approved holster for uniformed duty and also non-uniformed duty when appropriate. Off-duty and non-uniformed duty holsters should provide concealment and security

(f) Officers will not unnecessarily display firearms in any public place

307.3.3 AUTHORIZED SECONDARY SERVICE HANDGUN

With prior authorization by a command level supervisor, some members can carry a handgun other than their department issued, primary service handgun while on duty. This is intended for officers who primarily work in plain clothes, or have unique duties and responsibilities requiring them to work in plain-clothes. These members are subject to the following restrictions:

(a) The firearms must be approved by the firearms program and should be consistent with the design and function of the primary, service handgun.

(b) The purchase and maintenance of the firearm shall be the responsibility of the officer.

(c) The firearm shall be carried in a holster approved by the firearms program and in such a manner as to prevent accidental discharge and provide secure retention.

(d) The firearm shall be subject to inspection.

(e) Personnel are subject to the same qualification and proficiency standards as with the primary service handgun.

(f) Personnel shall provide written notice of the make, model, serial number and caliber.

307.3.4 AUTHORIZED OFF-DUTY CARRY

The carrying of department issued 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 choose to carry a personal firearm while off-duty, based on police authority granted by state or federal law, shall also carry their police identification and are subject to the following conditions:

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

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(a) The officer shall carry his/her Gresham Police Department identification card whenever carrying such firearm.

(b) The officer is not the subject of any current disciplinary action by the agency which could result in suspension or loss of police powers.

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The officer will remain subject to this and all other department policies including qualifying and training.

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

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

307.3.5 AUTHORIZED BACKUP WEAPONS (DISCRETIONARY)

Officers desiring to carry a backup handgun are subject to the following restrictions:

(a) Revolver or semi-automatic .380 caliber or larger and will be of good quality and workmanship

(b) The purchase and maintenance of the firearm shall be the responsibility of the officer

(c) The firearm shall be carried out of sight at all times and in such a manner as to prevent accidental discharge and provide secure retention

(d) The firearm shall be subject to inspection

(e) The firearm must be approved by the Firearms Sergeant or designee

(f) Personnel shall qualify with the backup firearm under range supervision

(g) Officers must demonstrate their proficiency, safe handling, and serviceability of the firearm

(h) Personnel shall provide written notice of the make, model, serial number, and caliber of the backup firearm

307.3.6 AMMUNITION

Officers shall carry only department authorized ammunition. The department will furnish ammunition for the primary service handgun, secondary service handgun (if carried), backup handgun (if carried), off-duty handgun (when applicable), patrol rifle, duty shotgun and 40mm less-lethal launcher. Replacements for unserviceable or depleted ammunition issued by the department shall be dispensed by a firearms program representative when needed and in accordance with established policy.

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307.4 LOADING, UNLOADING AND CONTROL OF FIREARMS

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

(a) Loading and Unloading of Firearms

1. The designated loading and unloading areas for firearms are:

   i. A clearing barrel such as the one located at the north end of the police building

   ii. The Department Armory

   iii. Areas designated by the Range Master when at training

   iv. Any area designated by the firearms program

2. The following tasks will be conducted only at a designated loading/unloading area:

   i. Unloading of firearms

   ii. Loading of firearms

   iii. Checking firearms for loaded condition prior to going on shift

3. When the handling, loading, unloading or manipulation of any firearm becomes necessary in the field and a designated safe area is not accessible, the member will take careful consideration to preserve the safety of themselves and those around them.

(b) Control of Firearms

(a) Officers will not store/place firearms in department facilities, unless the place of storage can be locked.

(b) Particular care shall be exercised in safely storing firearms while off-duty to ensure they are not accessible to young children or unauthorized person. While off-duty, officers shall take particular care to secure their department issued duty firearm at all times.

(c) Officers shall file a written report with the appropriate agency and notify their supervisor immediately following theft or loss of any firearm. This report shall include a complete description of the firearm including the serial number. The on-duty supervisor will notify the appropriate chain-of-command.

(d) Members shall not unnecessarily display or handle any firearm in a way that would cause public alarm or public risk.

307.5 FIREARMS QUALIFICATIONS AND TRAINING STANDARDS

All sworn personnel are required to qualify, at least annually, with any firearms carried on duty. Qualifications will be graded on either a percentage or pass/fail basis. The firearms program shall keep accurate records of all qualifications, repairs, maintenance, training or as directed by the Training Unit. In addition to regular qualification schedules, the Firearms Sergeant shall be responsible for providing all sworn personnel with annual practical training designed to simulate

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field situations. At least annually, all personnel carrying a firearm will complete no less than 8 hours of firearms training. In addition to qualification, this training should include critical decision making, threat identification, shooting while moving, shooting at moving threats and generally be reflective of the conditions and circumstances likely to be encountered by officers in the performance of their duties. Officers must also receive training and demonstrate their knowledge and understanding of the Department's Use of Force and Firearms policies.

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

307.5.1 FAILURE TO MEET MINIMUM QUALIFICATION STANDARDS

All officers required to carry a firearm must maintain a qualifying score for that firearm. Scores resulting from each officer's training and qualification performances will be recorded and placed in the individual's training files. The Firearms Sergeant is responsible for ensuring that officers who fail to meet minimum qualification requirements receive remedial training and retest as appropriate.

Officers will have no more than 2 qualification attempts per weapon system in a single day. In the event the officer fails the first qualification and passes the second, the officer will have 30 days to pass a "cold" qualification. In the event an officer fails to pass another "cold" qualification, the officer will be referred to the Firearms Sergeant for potential remedial training.

307.5.2 FAILURE TO MEET PROFICIENCY REQUIREMENTS

Minimum proficiency is a condition of employment for officers who must carry a firearm in the performance of their duties. Any officer failing to achieve the minimum level of firearms proficiency are in violation of the firearms safety rules will be immediately relieved from duties that require them to carry a firearm until they are able to be remediated.

(a) The Lead Instructor will notify the Firearms Sergeant of any officer failing to achieve the minimum qualifications or proficiency standard.

(b) The Firearms Sergeant will make appropriate notifications.

307.6 MAINTENANCE, REPAIR AND MODIFICATIONS OF DUTY FIREARMS

Firearms carried on duty shall be maintained in a clean, serviceable condition and subject to inspection by any member of the Firearms program or department supervisor.

The Firearms program has the responsibility of making serviceability and maintenance inspections, at least once a year, of all duty firearms. Any firearms program representative has the authority to deem any department owned or privately owned firearm unfit for duty service. If a firearm is deemed unfit it will immediately be taken out of service. If the unserviceable firearm is the officers primary service handgun, they will be issued a replacement and arrangements made so the officer can resume their duties.

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All modifications and repairs to department-owned firearms will be performed by a firearms program representative. In the event the repairs or modifications are outside the scope of the firearms program, the work will be completed by a department-approved armorer.

Any repairs or modification to the officer's personally-owned firearms shall be done at the officer's expense and must be approved by a firearms program representative before returning to service.

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Vehicle Pursuits

308.1 PURPOSE AND SCOPE

Vehicle pursuits expose citizens, 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. Vehicle pursuits require officers to exhibit a high degree of common sense and sound judgment. Apprehension of a suspect is generally not more important than the safety of the public and involved 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 vehicle pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit because of the risks involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. Vehicle pursuit situations are often unpredictable, and decisions made will be evaluated according to the totality of the circumstances reasonably known by the involved officers at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are self-discipline and sound professional judgment. Officers' conduct during a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances.

308.1.1 POLICE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is evading 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.

308.1.2 AUTHORIZED POLICE PURSUITS

Officers are authorized to engage in a pursuit in the following circumstances:

(a) Where a felony has been committed, except a stolen vehicle.

(b) When an officer reasonably suspects that a violent felony will be committed if the subject is allowed to escape, even if the subject is known and could be apprehended later.

(c) When an officer observes reckless driving. The driving conduct must be observed by the officer prior to the initiation of a stop and the driving conduct is not a result of police intervention, contact or other action.

(d) When the officer reasonably suspects an assault is occurring within a moving vehicle.

308.1.3 UNAUTHORIZED POLICE PURSUITS

Officers are **NOT** authorized to engage in a pursuit in the following circumstances:

(a) Misdemeanor crimes -- **except as stated above**

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(b) Traffic violations

(c) Stolen vehicles

308.2 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 (ORS 820.300). This exemption only applies to emergency vehicles using emergency lights and sirens (ORS 820.300; ORS 820.320). The following subsections are established to provide officers with guidelines for driving with due regard and caution for the safety of all persons, as required by ORS 820.300(2).

308.2.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle and the suspect has met one or more conditions described in subsection 308.1.2.

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

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, motorists and others.

(c) Apparent nature of the fleeing suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety).

(d) The identity of the suspect(s) is known and there is comparatively minimal risk in allowing the suspect(s) to be apprehended later.

(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic, and the speed of the pursuit relative to these factors.

(f) Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications and the driving capabilities of the pursuing officers(s) under the conditions of the pursuit.

(g) Weather, traffic speeds and road conditions that significantly increase the danger of the pursuit beyond the worth of apprehending the suspect.

(h) Performance capabilities of the police vehicles in relation to the speeds and other conditions of the pursuit.

(i) The emergency equipment present on the police vehicles.

(j) Vehicle speeds.

(k) Other persons in the pursued vehicle (e.g., passengers, co-offenders and hostages).

(l) Availability of other resources such as air unit assistance.

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(m) Pursuits should not be undertaken with any passenger that is not a sworn law enforcement officer with the Gresham Police Department, another agency assigned to the Gresham Police Department, or a member assigned to an interagency team in their official duties.

308.2.2 WHEN TO TERMINATE A PURSUIT

An officer shall terminate a pursuit when:

(a) The risks to the public or the officer(s) outweigh the interests of apprehension; or

(b) The suspect has been identified, whereby later apprehension can be accomplished (EXCEPTION - the officer reasonably suspects the driver has or is about to commit a violent felony and the interest in apprehending the suspect outweighs the risks to the public/officers); or

(c) It reasonably appears that further pursuit will not result in the apprehension of the suspect; or

(d) The officer is so ordered by a supervisor or the pursuit is terminated by another officer, regardless of agency or jurisdiction

Officers will be held accountable for continuing a pursuit when circumstances indicate it should have been terminated. Officers will not be criticized or disciplined for their decision to terminate a pursuit because of the risks involved.

308.2.3 PURSUIT TERMINATION

Once the decision to terminate a pursuit is made and implemented, the following should occur:

(a) The officer or supervisor terminating the pursuit will communicate that the pursuit is terminated. All involved officers will immediately comply and communicate an acknowledgment of the termination.

(b) Upon termination of the pursuit, the officers in primary and secondary pursuit positions shall, in addition to turning off emergency lights and siren, take affirmative action that clearly delineates the termination of the pursuit.

(c) The primary or secondary pursuit unit shall communicate the location of the pursuit termination and last known direction of the suspect vehicle.

(d) Officers shall not re-engage a terminated pursuit unless updated information is received that leads the officer to conclude that the suspect(s) committed a more serious offense than originally believed.

308.2.4 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officers 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 to continue the pursuit:

(a) Whether the pursuit speeds are unsafe for the surrounding conditions.

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(b) Whether the speeds are beyond the driving ability of the officer.

(c) Whether the speeds are beyond the capabilities of the police vehicle thus making its operation unsafe.

308.3 PURSUIT UNITS

Pursuit units should be limited to three vehicles. However, the number of units involved will vary with the circumstances. An officer may request, and a supervisor may authorize, additional units to join a pursuit if it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). Unless authorized by a supervisor, all other officers should stay out of the pursuit but should remain alert to its progress and location. Any officer may proceed to the termination point, following the appropriate rules of the road.

308.3.1 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.

308.3.2 VEHICLES WITHOUT OVERHEAD LIGHT BARS

Absent a reasonable alternative and only when human life is in immediate danger, vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers driving units without an overhead light bar should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police unit. The exemptions provided by ORS 820.300 do not apply to officers using vehicles which do not qualify as emergency vehicles under ORS 801.260.

308.3.3 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.

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

(a) Reason for the pursuit.

(b) Location and direction of travel.

(c) Speed of the fleeing vehicle.

(d) Description of the fleeing vehicle and license number, if known.

(e) Number of occupants.

(f) The identity and description of the occupants, if known.

(g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

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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 air unit joining the pursuit, unless practical circumstances indicate otherwise.

308.3.4 SECONDARY UNITS RESPONSIBILITIES
The second officer in the pursuit is responsible for the following:

(a) 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) Broadcast the progress of the pursuit unless the situation indicates otherwise.

308.4 PURSUIT TACTICS

308.4.1 PURSUIT DRIVING TACTICS
The decision to use specific driving tactics requires the same assessment of considerations outlined in 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 and react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

    (a) 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.

    (b) Pursuing units should exercise due caution when proceeding through controlled intersections.

(c) As a rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. If the pursued vehicle does so, the following tactics should be considered:

    (a) Requesting assistance from an air unit.

    (b) Maintaining visual contact with the pursued vehicle by paralleling the vehicle on the correct side of the roadway.

    (c) Requesting other units to observe exits available to the suspects.

    (d) Notifying the Oregon State Police and other jurisdictional agencies when it appears the pursuit may enter other jurisdictions.

(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 other unit.

308.4.2 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT
There should be no "paralleling" the pursuit route that would require the use of emergency equipment (emergency lights and siren). Non-pursuing personnel assigned to assist at the

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termination of a pursuit, should respond in a non-emergency manner unless otherwise detailed in this policy.

The primary and two secondary units should be the only officers operating under emergency conditions unless additional units are authorized by a supervisor.

Officers not directly involved in the pursuit are authorized to use emergency equipment at intersections along the pursuit path to protect the public by clearing intersections of vehicular and pedestrian traffic. Officers may use emergency equipment to proceed safely to a given location to accomplish this task (308.4.1 (b) 1), to employ tactical vehicle intervention techniques (308.8), and to assist at the termination of the pursuit should an emergency response be warranted (e.g.: high risk stop, perimeter, crash). Officers operating under emergency conditions to perform the tasks are expected to be reasonably close to the anticipated path of the pursuit.

308.4.3 PURSUIT TRAILING

If the initiating unit from the Gresham Police Department relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a 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 without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain enough distance from the pursuing units to clearly indicate an absence of participation in the pursuit.

308.4.4 AIR UNIT ASSISTANCE

When available, air unit assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The ground units should consider the availability of air unit 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 to continue the pursuit. If the air unit determines it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

308.5 SUPERVISORY CONTROL AND RESPONSIBILITY

Supervisory and management control will be exercised over all vehicle pursuits involving officers from this department. The 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, to ensure that the pursuit is conducted within established department guidelines.

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(b) Exercising management and control of the pursuit.

(c) Ensuring no more than the number of required police units needed are involved in the pursuit.

(d) Directing the pursuit be terminated if it is unjustified to continue.

(e) Ensuring an air unit is requested.

(f) Ensuring the notification and coordination of outside agencies if the pursuit leaves or is likely to leave Gresham.

(g) Controlling and managing Gresham Police Department units when a pursuit enters another jurisdiction.

(h) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

(i) Ensuring all necessary documentation is completed.

308.5.1 WATCH COMMANDER RESPONSIBILITY

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

308.6 COMMUNICATIONS

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

308.6.1 LOSS OF PURSUED VEHICLE

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

308.7 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 to request the other agency assume control of the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended the primary officer or supervisor ensure notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

308.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed control of 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 shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit. Notification of a

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pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume control of a pursuit should be specific.

308.7.2 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 enough 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 all factors in 308.2.1 above. If the pursuit does not meet the criteria for a pursuit in the City of Gresham, the supervisor shall terminate the outside agency pursuit.

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

Assistance to a pursuing agency by officers will terminate at the city limits provided that the pursuing officers have enough assistance from other sources. Ongoing participation from this department may continue only until enough assistance is present. If a pursuit from another agency terminates in Gresham, officers shall provide appropriate assistance to officers from the outside agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

308.8 PURSUIT INTERVENTION TECHNIQUE

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

In the event a vehicle is driving recklessly and not pursued or the pursuit has been terminated, officers are authorized to deploy tire deflation devices (spike strips or other authorized tire deflation devices) even though the vehicle does not meet the criteria to engage in and/or continue a pursuit. This includes pursuits from other jurisdictions that come into Gresham. Officers are authorized to use emergency equipment in an effort to get into position to deploy such devices (e.g. spike strips) if the officers are reasonably close to the anticipated path of the pursuit, and the driving is done with due regard for the safety of all other persons (ORS 820.300(2)Exemptions from Traffic Laws).

308.8.1 WHEN USE AUTHORIZED

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

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to use any intervention tactic should be reasonable considering the circumstances confronting the officer at the time of the decision.

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

308.8.2 DEFINITIONS

Barricading- The intentional barricading of a roadway, by any means, to prevent passage of a pursued vehicle. Barricading constitutes deadly physical force.

(a) The barricade must be set up in such a manner as to afford the fleeing suspect ample time to see the barricade and stop the vehicle.

(b) Once authorized, only unoccupied vehicles may be used. Under no circumstances will a roadway be barricaded with occupied vehicles or vehicles belonging to private citizens.

Boxing-in - Maneuvering a police vehicle into the path of a vehicle traveling slower than 20 mph, or a stopped vehicle with the intent of slowing and stopping the vehicle and/or keeping the vehicle stopped. Officers may box-in another vehicle but must be aware that placement of their vehicle in the path of another vehicle moving faster than 20 mph escalates into barricading.

Pinning - Controlled tactic where police cars are used to prevent a vehicle from fleeing once the offender is stopped. Pinning is accomplished by rapidly decelerating to the point of contact which would be at or near zero mph. Positive physical contact between the cars must be used to ensure the offender cannot continue to elude. Both the front and rear of the suspect vehicle must be pinned.

Pre-emptive PIT Authority- The ability to take an immediate action or remedy, departing from standard procedure, in order to prevent serious physical injury or death by preventing a suspect from escaping, fleeing, or engaging in such actions as to jeopardize the safety of the public.

Pursuit Intervention Technique (PIT) - means intentional contact between a police vehicle and a pursued vehicle in such a manner as to cause a sudden spin, loss of control and subsequent stop of the pursued vehicle.

Ramming- The deliberate act of hitting another vehicle with a police vehicle for the purpose of functionally damaging, disabling, or forcing the vehicle to stop with the exception of PIT, described above. Ramming constitutes deadly physical force.

Road Blocks- The intentional blockading of a roadway, by any means to restrict passage of a pursued vehicle. When creating a road block, a path of travel must be left available to the fleeing driver. An example is blocking a lane of travel to force the driver to stop or take another path to engage spike strips. A road block does not constitute deadly physical force.

(a) The road block must be set up in such a manner as to afford the fleeing suspect ample time to see the road block and stop the vehicle or choose another path.

(b) Only unoccupied vehicles may be used. Under no circumstances will a roadway be blocked with occupied vehicles or vehicles belonging to private citizens.

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Spike Strips - Spikes enclosed in a tube capable of penetrating and puncturing a vehicle tire when the tire is rolled or driven over it. The spikes penetrate the rolling tread of a tire and allow for the rapid and controlled release of air to the point of the tire being completely deflated.

308.8.3 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

308.8.4 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued.

Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Officers who have not received certified departmental training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

(a) Boxing-in should only be considered in cases involving felony suspects or 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 considering the following:

    (a) 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.

    (b) All other reasonable intervention techniques have failed or reasonably appear ineffective.

    (c) Employing the boxing-in maneuver does not unreasonably increase the risk to officer safety.

    (d) The target vehicle is stopped or traveling at a low speed.

    (e) 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. Officers using this technique should announce their intent prior to the maneuver and upon consideration of the circumstances and conditions presented at the time.

(c) The use of spike strips should be 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

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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.

308.8.5 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects.

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 involved officers when formulating plans to contain and capture the suspect.

308.9 REPORTING REQUIREMENTS

The following reports should be completed for all pursuits:

(a) The primary officer shall complete appropriate crime/arrest reports.

(b) The supervisor shall complete a Pursuit After-Action Report, summarizing the pursuit to the Watch Commander, to evaluate the pursuit in terms of department policy. The After-Action shall minimally contain the following information:

  (a) Date and time of pursuit.

  (b) Length of pursuit.

  (c) Involved units and officers.

  (d) Initial reason for pursuit.

  (e) Starting and ending points.

  (f) Disposition - arrest, citation, etc.; arrestee information should be provided if applicable.

  (g) Injuries and/or property damage.

  (h) Medical treatment.

  (i) Name of supervisor at scene.

  (j) A preliminary determination, simply stating whether the pursuit appears to be in compliance with this policy or not.

  (k) Determine the need for any additional review and/or follow-up.

  (l) If training deficiencies are noted, the issues will be referred to the Police Vehicle Operations Unit.

(c) The Watch Commander shall review, comment and forward the After-Action Report, to include conclusions and recommendations, through the chain of command to the Chief of Police.

(d) If the pursuit results in any injury or damage, an Accident/Incident Report shall be forwarded to the City's Risk Manager.

(e) Other reports or documents may be requested by a supervisor.

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308.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all sworn members will participate in training addressing this policy. Additionally, training will cover the importance of vehicle safety and protecting the public at all times, including the need to balance the known offense and the need for immediate capture against the risks to officers and others.

308.9.2 ANNUAL REVIEW

During the first calendar quarter of each year, the PVO Sergeant will ensure an annual review of all vehicle pursuit incidents from the previous calendar year is conducted. The analysis will focus on the effectiveness and trends in the use of vehicle pursuits that might suggest training, equipment needs, policy modification, or remediation. Specific detail including items such as officer names, case numbers, location of occurrence are not needed for this purpose.

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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 Gresham Police Department 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.

Family or Household Members- defined in ORS 135.230 as:

(a) Spouses

(b) Former spouses

(c) Adult persons related by blood, marriage, or adoption

(d) Persons that are cohabitating or have cohabitated with each other

(e) Persons who have cohabitated with each other or who have been involved in a sexual relationship

(f) Unmarried parents of a child

309.2 POLICY

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

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.

309.4 INVESTIGATIONS

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

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(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.

(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 Division 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 (the form is to be obtained from the medical facility) 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 possibly seek an arrest warrant if appropriate.

(h) Officers should ask if there are firearms in the house and seize any firearms or other dangerous weapons, if appropriate and legally permitted, for safekeeping, as evidence, or pursuant to a court order.

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as justification for declining to take enforcement action include:

1. Marital status of suspect and victim
2. Whether the suspect lives on the premises with the victim
3. Claims by the suspect that the victim provoked or perpetuated the violence
4. The potential financial or child custody consequences of arrest
5. The physical or emotional state of either party

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6. Use of drugs or alcohol by either party
7. Denial that the abuse occurred where evidence indicates otherwise
8. A request by the victim not to arrest the suspect
9. Location of the incident (public/private)
10. Speculation that the complainant may not follow through with the prosecution
11. The racial, cultural, social, professional position,, national origin, religion, gender, sexual orientation, or other protected characteristic 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) Provide the victim with the department's Domestic Violence Information form

309.4.2 IF NO ARREST IS MADE
If no arrest is made, because there was no probable cause to believe a domestic violence incident occurred, 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 assistance program)
(b) Document the resolution in a report or via a CAD entry.

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's Domestic Violence Information Form, even if the incident may not rise to the level of a crime.
(c) Discuss with the victim how to access the Portland Women's Crisis Line or other community resources.
(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
(e) Request medical assistance as soon as practicable for the victim if they have sustained injury or complains of pain.

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(f) Ask the victim whether they have a safe place to stay. Assist in transport arrangements to an alternate shelter if the victim expresses concern for their safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for as required by the Child Abuse Policy and the Adult Abuse Policy.

(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).

309.6 FOREIGN COURT ORDERS

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

309.7 VERIFICATION OF COURT ORDERS

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

(a) Ask the subject of the order about their notice or receipt of the order, their knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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.

309.7.1 SERVICE OF COURT ORDERS

Officers should, if requested and practicable, serve any unserved restraining order when called to the scene of a disturbance. Any officer serving such a restraining order shall ensure that a copy of proof of service is returned to the Multnomah County Records Section, in Troutdale, for entry into

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the Law Enforcement Data System (LEDS) and the National Crime Information Center (NCIC) system (ORS 107.720).

309.8 STANDARDS FOR ARREST

(a) Officers who respond to an incident of domestic disturbance and have probable cause to believe an assault has occurred between family or household members as defined in ORS 135.230, or who believe that one such person has created in the other a fear of imminent serious physical injury, shall arrest and take into custody the alleged assailant or potential assailant (ORS 133.055).

(b) Dual arrests are not required (ORS 133.055). Officers shall make reasonable efforts to identify and arrest the primary assailant in any incident. In identifying the primary assailant, an officer shall consider:

1. The comparative extent of the injuries inflicted or the seriousness of threats creating a fear of physical injury.
2. If reasonably ascertainable, the history of domestic violence between the persons involved.
3. Whether any alleged crime was committed in self-defense.
4. The potential for future assaults.

(c) Once a suspect has been arrested under the provisions of ORS 133.055, the suspect shall be taken to jail. Officers have no authority to release the arrested person.

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

309.9 REPORTS AND NOTIFICATIONS

Officers should document in their report that they provided each domestic violence victim with a copy of the department's Domestic Violence Information Form (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.

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Adult Abuse

310.1 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 Gresham Police Department members as required by law.

310.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence,neglect or financial exploitation 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.

Dependent adult means a person 18 years or older with (ORS 430.735):

(a) developmental disabled person who is currently receiving services from a community program or facility or was previously determined eligible to receive such services as an adult, or

(b) A mentally ill person who is receiving services from a community program or facility.

Developmental Disability- 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.

310.2 POLICY

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

310.3 MANDATORY NOTIFICATION

Members of the Gresham 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).

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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.

310.3.1 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 victim
2. Present location of the adult victim
3. Name and address of the person responsible for the adult victim
4. Identity of the perpetrator
5. Nature and extent of the abuse and any evidence of previous abuse
6. Any explanation given for the abuse
7. Date of the incident
8. Any other information that may be helpful in establishing the cause of the abuse

(c) In cases where DHS has notified the department of a possible crime relating to elder or dependent adult abuse, confirmation of receipt of notification shall be made to DHS.

(d) DHS shall also be notified whether (ORS 124.070(3); ORS 430.745(7)):

1. There will be no criminal investigation and the explanation of why there will be no such investigation.
2. The investigative findings have been forwarded to the District Attorney for review.
3. A criminal investigation will take place.

(e) In investigations that substantiate elder 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)) and the reports forwarded via the Action Recommended.

(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)).

310.4 INVESTIGATORS
Investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate locations.

(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.

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(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

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

310.5 INVESTIGATIONS AND REPORTING

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

(a) Within two hours where a resident's health or safety is in imminent danger or the resident recently died,

(b) was hospitalized or was treated in an emergency room.

(c) Prior to the end of the next working day if circumstances exist that could result in abuse and place the resident's health or safety in imminent danger.

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

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom they made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

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

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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.

310.6 PROTECTIVE CUSTODY

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

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

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

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

310.6.1 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 which requires access to the person to ensure their safety (ORS 124.065; ORS 430.743; OAR 411-020-0085).

310.7 INTERVIEWS

310.7.1 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.

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310.7.2 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 consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

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

(b) A court order or warrant has been issued.

310.8 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.

310.9 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.

310.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Division supervisor should:

(a) Work with professionals from the appropriate agencies, including DHS, other law enforcement agencies, medical service providers and local prosecutors, to develop 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 Division that the officer 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

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

310.9.2 OFFICER RESPONSIBILITIES
Officers responding to a drug lab 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 Division Supervisor so an interagency response can begin.

310.10 STATE MANDATES AND OTHER RELEVANT LAWS
Oregon requires or permits the following:

310.10.1 RECORDS SECTION RESPONSIBILITIES
The Records Section is responsible for:

(a) Providing a copy of the adult abuse report to DHS as required by law

(b) Retaining the original adult abuse report with the initial case file

310.10.2 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).

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

(a) Participating in multidisciplinary investigations, as appropriate

(b) Conducting interviews

(c) Availability of therapy services for adults and families

(d) Availability of specialized forensic medical exams

(e) Cultural competence (including interpretive services) related to adult abuse investigations

(f) Availability of victim advocates or other support

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Child Abuse

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected child abuse cases.

311.1.1 DEFINITIONS

Definitions related to this policy include:

CARES Northwest - Child Abuse Response and Evaluations Services Program located at Emanuel Hospital. This program provides medical evaluations, forensic interviews and counseling referrals for children who are victims of child abuse.

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

Child abuse - Child abuse is:

(a) Any physical injury to a child by other than accidental means, including any injury that appears to be at variance with the explanation given as cause for the injury.

(b) Any mental injury to a child that will include only observable and substantial impairment of the child's mental or psychological ability to function, caused by cruelty to the child, with due regard to the culture of the child.

(c) Sexual abuse, including but not limited to rape, sodomy, sexual abuse, incest, and unlawful sexual penetration.

(d) Sexual exploitation of a child including visual recording of sexual conduct of children.

(e) Negligent treatment or maltreatment of a child including, but not limited to, failure to provide adequate food, clothing, shelter or medical care.

(f) Threatened harm to a child; subjecting a child to a substantial risk of harm to the child's health or welfare.

Designated Medical Professional- A licensed physician or other licensed health care professional trained in the evaluation, diagnosis and treatment of child abuse.

DHS Hotline - Refers to the Child Abuse Hotline of the Department of Human Services (DHS), and is a 24-hour service where citizens or mandated reporters report suspected child abuse.

Family member - A father, stepfather, mother, stepmother, brother, sister, cousin, uncle, aunt, grandparent/step-grandparent, parent's/guardian's current or former live-in boyfriend or girlfriend, separated or divorced parent, foster parent and a legal guardian.

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Multi-Disciplinary Team (MDT) trained officers - Received the DPSST eight-hour supplemental Multi-Disciplinary Team MDT training course or have attended the Basic Academy class on MDT child abuse investigations since July 1991.

Non-family member - Any person not listed as a family member, including neighbors, friends, teachers, other temporary child custodians and strangers.

Recent sexual assault - Includes a case of rape, sodomy, sexual penetration, etc., which has occurred within 84 hours previous to the initial report, where there is a likelihood of medical evidence, (i.e., semen, DNA, trauma or other physical evidence) may be detected.

Serious physical injury is:

(a) A physical injury that creates a substantial risk of death or that causes serious and protracted disfigurement, impairment of health or protracted loss of the functions of any bodily organ.

(b) Injuries such as serious head trauma, broken bones, serious burns, etc.

(c) Injuries, after initial medical treatment, that requires a child to be admitted to a hospital.

Shelter home - A confidential location for a child to stay as determined and arranged by DHS, the location of which is only known by DHS, Juvenile Court or the transporting officer.

Suspicious physical injury - Includes, but is not limited to, burns or scalds, extensive bruising or abrasions on any part of the body; bruising, swelling or abrasions on the head, neck or face; fractures of any bone in a child under the age of three; multiple fractures in a child of any age; dislocations, soft tissue swelling or moderate to severe cuts; loss of the ability to walk or move normally according to the child's development ability; unconsciousness or difficulty maintaining consciousness; multiple injuries of different types; injuries causing serious or protracted disfigurement or loss or impairment of the function of any organ; and any other injury that threatens the physical well-being of a child.

311.2 POLICY

The Gresham Police Department will investigate all reported incidents of alleged, criminal child abuse and ensure that the Department of Human Services (DHS) is notified as required by law.

311.3 MANDATORY NOTIFICATION

Officers of the Gresham Police Department shall notify the DHS hotline 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).

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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 methamphetamine is manufactured; or any other act described in ORS 419B.005(1)(a).

In cases of recent sexual assault (within 84 hours) or serious physical injury where the child is hospitalized, the Child Abuse Team (CAT) or the Detective Division will be contacted to respond and coordinate the investigation. CAT may respond after hours and on weekends upon approval of a CAT supervisor.

CAT supervisors are available 24/7 to evaluate if a detective response is needed and to provide direction for on scene officers. In cases of an incident that may require extensive follow up and investigation, contact a CAT supervisor for direction. Generally, it is better to seek this guidance earlier rather than later in the investigation.

CAT is responsible for investigation of child abuse involving children 13 years old and younger or children under 18 years of age where the suspect is a family member. Children 14 to 18 years of age will be investigated by any assigned detective.

311.3.1 NOTIFICATION PROCEDURE

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

(a) Verbal notification to DHS shall be made immediately to the Oregon Child Abuse Hotline when the officer determines that the report of alleged abuse or neglect requires an immediate joint response.

(b) Verbal, electronic transmission, or hand-delivered notification to DHS of all other reports of child abuse or neglect shall be made by the end of the next business day.

(c) Notification, when possible, should include:

1. The name and contact information of the confidential reporter.
2. The name, address, and age of the child.
3. The name and address of the child’s parents or other person who is responsible for care of the child.
4. The nature and extent of the abuse or neglect, including any evidence of previous abuse or neglect.
5. The explanation given for the abuse or neglect.
6. Where the abuse or neglect occurred.

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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).

311.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (ORS 418.747).

311.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, an officer shall write a report even if the allegations appear unfounded or unsubstantiated.

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

(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.

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(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

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

Under no circumstances, even if the allegations appear unfounded, will officers give BOEC a coded, radio disposition in lieu of writing one of the following reports. A report will be written for all other instances, including unfounded calls.

(a) An Investigation Report will be written if it appears a crime has been committed.

1. All injuries, no matter how minor will be described and documented in the report.

2. Description of the injuries will include listing the location on the child's body; describing each injury by size, shape and color; and identifying the object that caused the injury if known.

(b) A Custody Report will be written when arresting or citing a suspect or whenever a child's location is changed by an officer's intervention, (i.e., shelter care, medical hold or placed with a relative, friend or DHS).

(c) Courtesy reports for outside agencies must be written for any of the following circumstances:

1. When the location of occurrence is outside Gresham Police jurisdiction.

2. An outside agency advises they will not respond.

3. An outside agency requests a courtesy report.

311.5.1 KARLY'S LAW

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

(a) Immediately photograph or cause to be photographed any visible injuries or any injuries identified by the child if practicable. Photographs of injuries inflicted on genitalia or otherwise sensitive, private areas shall only be taken by medical personnel (ORS 419B.028(1)).

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(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 sooner (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.

(d) Officers may want to confer with Child Abuse Team (CAT) when complying with this section.

311.5.2 INVESTIGATIONS ON SCHOOL PREMISES

When an investigation of child abuse is conducted on school premises, the investigating officer shall first notify the school administrator of the investigation, unless the school administrator 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, not to investigate or interview a person suspected of having committed the abuse (ORS 419B.045). Officers who interview suspects on school property should be mindful that at-school interviews can be construed as quasi-custody situations and Miranda warning should be given.

311.5.3 SEXUAL EXPLOITATION INVOLVING VISUAL RECORDINGS

Allegations of sexual exploitation involving visual recordings of sexual conduct of children have the potential to expand the investigation to a complex multi-jurisdictional investigation. Officers responding to such allegations will:

(a) Determine the media (printed, electronic, film, video tape, etc.) on which the visual recordings of sexual conduct of children exist.

(b) Prohibit any person from further viewing or distributing the visual recordings of sexual conduct of children.

(c) Lawfully secure items of potential evidentiary value by seizing them as evidence under a warrant, consent, or other exceptions to the warrant requirement. Extreme care should be taken when seizing computers and other electronic devices/media on which the recordings are stored to ensure the evidence is preserved.

(d) Interview and obtain clear and detailed statements from witnesses who observed the recordings regarding the sexual conduct depicted in the visual recordings.

(e) Notify the CAT supervisor and advise them of the circumstances in order to determine whether or not a detective will respond to coordinate the investigation.

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311.6 PROTECTIVE CUSTODY

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

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

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

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

(a) When there is reasonable cause to believe any of the following:

1. An imminent threat of severe harm to the child exists
2. The child poses an imminent threat of severe harm to self or others
3. An imminent threat that the child may be removed from the jurisdiction of the juvenile court exists

(b) When the juvenile court has issued a valid order that the child is to be taken into protective custody

(c) When it reasonably appears that the child has run away from home

311.6.1 NOTICE TO PARENTS

(a) If a child is taken into protective custody, the officer will make reasonable efforts to notify the parents/guardians immediately, regardless of the time of day. Notification may be in person, by telephone, or using the Written Notice to Parents of a Child Taken into Protective Custody form. Notification will include the following:

1. The fact that the child has been taken into custody.
2. The reasons why the child was taken into custody.
3. General information about the child’s placement (i.e., hospital, shelter home, JDH, etc.).
4. That a Juvenile Court hearing will occur the next court day.
5. The telephone number of the DHS Hotline.

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(b) The only exception to this notification will be at the direction of a CAT supervisor or where immediate notification of a parent may compromise the investigation or endanger other children. Under no circumstances will the officer tell anyone (including a parent) the location of a foster/shelter care home, nor will it be listed in the officer's report.

311.6.2 SAFE HAVEN PROVISION

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

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

311.7 INTERVIEWS

When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. 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. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

311.7.1 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.

311.7.2 INTERVIEWING CHILD ABUSE VICTIMS

Prior to beginning of the investigation, it is strongly recommended the officer consult with a supervisor, CAT Detective and/or DHS. Efforts should be made to minimize the number of times child abuse victims are interviewed. Generally, children under ten years of age should not be interviewed by officers not specifically trained in child interview techniques. Officers should thoroughly interview the person(s) to whom the child disclosed the abuse.

(a) Physical abuse - If the child possesses acceptable verbal skills, interview the child. Use non-leading questions, and only to the extent necessary to establish a criminal

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allegation. A comprehensive interview will be conducted at a future date by CARES Northwest Forensic Interviewers.

(b) Sexual abuse - Children who are ten years of age or younger will not be interviewed, but will be referred to CARES Northwest, the assigned DHS personnel or CAT detective. Children over ten may be interviewed, but only to the extent necessary to establish a criminal allegation. A comprehensive interview will be conducted at a future date by CARES Northwest Forensic Interviewers.

Exceptions to interviews:

(a) If the crime occurred within 84 hours, a brief interview of the child will be necessary to establish if the child will need a medical examination.

(b) If the child (or other children) is at risk by a perpetrator still within the home, the child may be interviewed briefly to establish the need for protective custody.

311.8 EVIDENCE COLLECTION

Officers, detectives, criminalists and DHS workers must coordinate efforts to secure photographic evidence of abuse. Digital photographs and/or 35mm, may be obtained by:

(a) The responding officer.

(b) Detectives or the investigator.

(c) The criminalist.

If criminal prosecution is likely, 35mm or digital photos are preferred. A scale reference should be used in the photograph to assist in judging the size and scope of the injuries.

If a child is taken into protective custody, photos of the injuries may be taken for use at the preliminary hearing at Juvenile Court (usually the next court day). Such photos will be delivered to Juvenile Court Intake as soon as possible. The photos will be handled according to Property and Evidence Procedures, subsection Transferring Evidence.

311.9 MEDICAL EXAMINATIONS

(a) 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.

(b) 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.

(c) In cases of physical abuse, children in need of emergency medical treatment or evaluation should be transported by ambulance to the nearest hospital or hospital of family choice. If the child is in need of non-emergency medical treatment, the officer may transport the child;

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1. Children 14 years or younger to Randall's Children's Hospital for evaluation.
2. Children 15 years and older will be transported to OHSU. Officer should attempt to notify hospital staff prior to arrival.

(d) Officers facilitating or taking a child to a hospital for treatment of a serious physical injury will immediately notify a CAT supervisor or Detective supervisor.

(e) When an officer has reasonable cause to believe a child is a victim of sexual abuse and physical evidence is likely to be destroyed, the officer will follow procedures for investigating sex crimes and seek a physical examination for the collection and preservation of evidence, (i.e., sexual assault kit). This procedure is usually completed at Randall's Children's Hospital (non-business hours) or CARES Northwest (business hours).

1. Children 14 years or younger to Randall's Children's Hospital for evaluation.
2. Children 15 years and older will be transported to OHSU. Officer should attempt to notify hospital staff prior to arrival.

(f) If a parent or guardian refuses to allow medical evaluation, the officer will take the child into protective custody, telephone Juvenile Court for authorization for treatment or contact Detectives for assistance, and complete a Custody Report.

(g) Upon notification by the officer, BOEC will arrange for a Rape Victim Advocate (RVA) to respond to the appropriate hospital.

311.9.1 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).

311.10 CHILD NEGLECT CHILDREN

Child neglect includes the omission of parental or caretaker responsibilities. Parents or caretakers are required to provide the necessities of life and protection from harm. Photographic documentation of un-healthy environments or unsafe conditions is important for criminal prosecution and juvenile court purposes. Specific investigative techniques include photographing:

(a) Empty cupboards, messy sinks, insects, refrigerators, clogged sinks and toilets, feces, beds, drugs and drug paraphernalia, weapons, broken windows and other unsafe conditions.

(b) The child and parent in the environment. If the parent has needle marks, photograph them.

(c) Age dates on food containers or other items to show how long the condition has existed.

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311.11 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.

311.11.1 SUPERVISOR RESPONSIBILITIES

The Investigation Division Supervisor should:

(a) Work with professionals from the appropriate agencies, including DHS, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are 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 Division 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.

311.11.2 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 Division supervisor so an interagency response can begin.

311.12 STATE MANDATES AND OTHER RELEVANT LAWS

Oregon requires or permits the following:

311.12.1 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).

311.12.2 COUNTY MULTIDISCIPLINARY CHILD ABUSE TEAM AND PROTOCOL

The Investigation Division supervisor should ensure that current written protocols and procedures for child abuse investigations developed by the multidisciplinary child abuse team are available to all department members (ORS 418.747).

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311.12.3 CHILD FATALITY REVIEW TEAMS

The Gresham Police Department will cooperate with any child fatality review team and investigation (ORS 418.785).

311.13 TRAINING

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

(g) Recognizing abuse that requires mandatory notification to another agency.

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Search and Seizure

312.1 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 Gresham Police Department personnel to consider when dealing with search and seizure issues.

312.2 POLICY

It is the policy of the Gresham 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 the Gresham Police Department will comply with relevant federal and state law governing the seizure of persons and property.

The Gresham Police 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.

312.3 SEARCHES

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

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

(a) Valid consent

(b) Incident to a lawful arrest

(c) Emergency Aid

(d) Exigent circumstances

(e) Hot pursuit

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, community caretaking functions authorized by ORS 133.033, 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 the Gresham Police Department is expected to act in each situation according to current training and their familiarity with clearly established rights as determined by case law.

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

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312.4 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 the Gresham Police 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 and/or contraband

312.5 DOCUMENTATION

Officers are responsible to document (i.e., CAD, SDC, report) any field interview, frisk, and search to ensure that any required reports are sufficient including, at minimum, documentation of the following:

(a) Reason for the search

(b) Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)

(c) What, if any, injuries or damage occurred

(d) All steps taken to secure property

(e) The results of the search, including a description of any property or contraband seized

(f) 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; if a female officer is unavailable, this should be clearly articulated

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

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Civil Commitments

313.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (ORS 426.228).

313.2 POLICY

It is the policy of the Gresham Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

313.3 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, except as provided in section 313.6. The officer or the program director shall return the person to the place where the person was taken into custody, unless the person declines that service.

As authorized under ORS 430.399, any person who is intoxicated or under the influence of controlled substances in a public place may be taken or sent home or to a treatment facility by the police.However, if the person is incapacitated, the health of the person appears to be in immediate danger, or the police have reasonable cause to believe the person is dangerous to self or to any other person, the person shall be taken by the police to an appropriate treatment facility. A person shall be deemed incapacitated when in the opinion of the police officer or director of the treatment facility the person is unable to make a rational decision as to acceptance of assistance.

313.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a civil commitment, the officer 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 pursuant to a civil commitment.

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(b) If at any point the individual changes their mind regarding voluntary evaluation, officers may proceed with the civil commitment, if the subject meets the required conditions.

(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

313.3.2 REVOCATION OF 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 also be taken into custody/revoked if all of the following conditions apply:

(a) An officer has reasonable cause to believe the individual is an extremely dangerous person with a mental disorder (as defined by OAR 859-200-0020). Extremely dangerous person with mental illness or "person" refers to an extremely dangerous person with mental illness who is civilly committed to the jurisdiction of the Board by a court.

(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)

313.4 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.

313.5 DOCUMENTATION

The officer shall complete a Report of Peace Officer Custody of an Allegedly Mentally Ill Person, 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.

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313.5.1 REQUIREMENTS
Officers shall 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.

313.5.2 DETOXIFICATION HOLDS
All detoxification holds will be documented in a General Offense Report. The narrative will contain information giving the officer reasonable cause to believe that the hold is justified.

313.6 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor, criminal offense and who is being taken for a civil commitment should resolve the criminal matter by issuing a citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.

(c) Facilitate the individual's transfer to the jail facility.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be arrested and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of the Gresham Police Department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

313.7 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the primary 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 laws 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 primary officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

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Civil Commitments

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Child and Dependent Adult Safety

314.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Adult Abuse Policy.

314.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Gresham Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

314.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults.

Whenever possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of their child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene may explain the reason for the arrest, if appropriate, in age-appropriate language and offer reassurance to the child or dependent adult that they will receive appropriate care.

314.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee’s children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults, if feasable. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

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(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify Child Protective Services, if appropriate.

(e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

314.3.2 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will, when able, document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex

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3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

314.3.3 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult.These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, DHS should be contacted to determine the appropriate steps to arrange for care.

314.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact DHS to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

314.5 TRAINING

The Training Sergeant is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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Arrest or Detention of Foreign Nationals

315.1 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 U.S. Department of State website.

315.1.1 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.

315.2 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.

315.3 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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315.3.1 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.

315.3.2 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.

315.3.3 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.

315.4 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.

315.4.1 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.

315.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

315.5.1 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

315.5.2 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 the Temporary Custody of Adults 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 individual claims immunity and cannot present satisfactory identification, the officer

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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

San Francisco, CA

(415) 744-2910, Ext.. 22 or 23

(415) 744-2913 FAX

(0800-1700 PST)

Office of Foreign Missions

Diplomatic Motor Vehicle Office

Washington D.C.

(202) 895-3521 (Driver License Verification) or

(202) 895-3532 (Registration Verification)

(202) 895-3533 FAX

(0815-1700 EST)

Diplomatic Security Service

915 Second Avenue, Room 3410

Seattle, WA 98174

(206) 220-7721

(206) 220-7723 FAX

Department of State

Diplomatic Security Service

Command Center

Washington D.C.

(202) 647-7277

(202) 647-1512

(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.

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

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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 the officer's report. 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.

315.6 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 theTemporary Custody of Adults policy.

315.6.1 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.

315.6.2 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 Watch 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.

315.7 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

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(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.

315.7.1 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 the shift sergeant as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide the shift sergeant 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 the shift sergeant 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.

Privacy concerns, or the possibility that a foreign national may have a legitimate fear of persecution or other mistreatment by his/her government may exist in some mandatory notification cases. Therefore, under no circumstances should any information indicating that a foreign national may have applied for asylum in the U.S. or elsewhere is to be disclosed to the foreign nationals consular officials.

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315.7.2 DOCUMENTATION

Officers shall keep a written record of the provision of notification and actions taken. Reports shall document that the foreign national was informed of the option of consular notification, whether the foreign national elected or declined consular notification (even in the case of mandatory notification requirements), the date when the foreign national was so informed and a receipt of notification (i.e. fax log, phone record, etc.).

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Activation of the Amber Alert System

316.1 PURPOSE AND SCOPE

The purpose of this policyis to provide guidelines for when a child is abducted and the subsequent activation of the Amber Alert System.

316.2 DEFINITION

Amber Alert : A cooperative program between law-enforcement agencies and local area radio, television stations and the Oregon Department of Transportation to broadcast and disseminate information about a missing endangered child using the Emergency Broadcast System.

316.3 PROCEDURE

(a) Responding Officer: When dispatched on a child abduction call, the officer will:

1. Respond to the call and determine if enough information exists to issue an Amber Alert.
2. If the abduction meets the criteria for activation of the Amber Alert:
   (a) The officer must complete the Amber Alert checklist.
   (b) The officer will contact the on-duty supervisor for Amber Alert activation.

(b) Responding Supervisor: Once contacted by the on-scene officer, the responding supervisor will:

1. Determine whether or not the incident fits the criteria for an Amber Alert.
2. If the criteria have been met notify the primary dispatcher to activate the AMBER ALERT system and relay information from the AMBER ALERT checklist, and any additional applicable information.
3. Notify the Public Information Officer and Detective Supervisor of the intent to activate the Amber Alert system.

(c) Department (Incident Commander) Response

1. Once the information is broadcast, the City of Gresham Emergency Operations Center (EOC) phone bank will need to be staffed to receive incoming Amber Alert telephone tips. The staffing will be dependent on time and/or date of incident. The incident commander will determine if on-duty staffing will allow the positions to be filled or whether off-duty sworn or non-sworn personnel will be called to fill the phone bank positions.
2. Once the phone bank has been established the Incident Commander will contact BOEC and have the incoming AMBER ALERT calls routed to the Gresham EOC phone bank at 503-618-2825
3. These positions will be staffed for a minimum of 24 hours unless the Amber Alert has been terminated.

(d) BOEC Responsibilities

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1. Dispatch will initiate the Amber Alert with all pertinent information relayed by the notifying supervisor. All further notifications will be made by BOEC (ODOT, media, surrounding agencies, etc.).
2. Another alert will be issued if more information is obtained or when the alert has been canceled. If the alert is to be canceled, an administrative Emergency Activation System (EAS) message and a LEDS Administrative Message (AM) will be sent out advising of the cancelation.

316.4 ATTACHMENTS

See attachment: AMBER ALERT CHECKLIST.pdf

See attachment: AMBER ALERT MESSAGE.pdf

See attachment: AMBER ALERT TIP SHEET.pdf

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Chapter 4 - Custody and Court

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Temporary Custody of Juveniles

400.1 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 Gresham Police Department (34 USC § 11133).

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

400.1.1 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; 2019 Oregon Laws, c. 594, § 2a):

(a) An imminent threat of severe harm to the child exists.

(b) The child poses an imminent threat of severe harm to self or others.

(c) An imminent threat that the child may be removed from the jurisdiction of the juvenile court exists.

(d) The child has run away from home.

This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile under 18 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes a juvenile who possesses a handgun in violation of ORS 166.250 (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other department member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

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(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

400.2 POLICY

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

400.3 JUVENILES WHO SHOULD NOT BE HELD

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

400.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Gresham 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 Gresham Police Department without authorization of the arresting officer's supervisor or the Watch 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 in the Gresham Police Department Temporary Holding Facility (ORS 419B.160; ORS 419C.130).

400.4.1 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 Gresham Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible (ORS 419B.165; ORS 419B.168; 2019 Oregon Laws, c. 594, § 2a). 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).

400.4.2 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).

400.4.3 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) Where 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 Gresham Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

400.4.4 COURT NOTIFICATIONS OF JUVENILE OFFENDERS

Whenever a juvenile offender is taken into custody, the officer shall promptly notify the juvenile court or counselor that the juvenile was taken into custody (ORS 419C.091). The officer shall also prepare a written report to be routed to the juvenile court and the District Attorney that includes, at a minimum (ORS 419C.106):

(a) The juvenile’s name, age and address.

(b) The name and address of the person having legal or physical custody of the juvenile.

(c) Reasons for, and circumstances under which, the juvenile was taken into custody and, if known, the name and contact information of any victim.

(d) Efforts taken to notify and release the juvenile to his/her parent, guardian or other person having legal responsibility.

(e) The date, time, location and to whom the juvenile was released.

(f) If the juvenile was not released, the reasons why.

(g) If the juvenile is not released or taken to court, the shelter or place of detention of the juvenile and why the type of placement was chosen.

400.4.5 EXCEPTIONS TO RELEASE OF JUVENILE OFFENDERS

A juvenile offender shall be released to the custody of the juvenile's parent, guardian or other responsible person, except in any of the following circumstances (ORS 419C.100):

(a) The court has issued a warrant of arrest for the juvenile.

(b) The officer has probable cause to believe that release of the juvenile may endanger the welfare of the juvenile, the victim or others.

(c) When the officer has probable cause to believe that the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or destructive device.

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).

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400.5 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

400.6 JUVENILE CUSTODY LOGS

Anytime a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the Juvenile Custody Log, including:

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the Gresham Police Department.

(c) Supervisor 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.

400.7 NO-CONTACT REQUIREMENTS

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

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

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400.8 TEMPORARY CUSTODY REQUIREMENTS

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

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

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothes or using the restroom, without direct observation to allow for privacy.

(c) Personal visual checks and significant incidents/activities shall be noted in the log.

(d) There shall be no viewing devices, such as peepholes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under their care that the juvenile will be monitored at all times unless they are using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins.

(f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

(g) Juveniles shall have reasonable access to a drinking fountain or water.

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles should have privacy during family, guardian and/or lawyer visits.

(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.

400.9 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 Gresham Police Department when the

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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. Supervisors shall be notified when other restraints are used as soon as practicable. 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.

400.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Gresham Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Gresham Police Department.

400.11 SECURE CUSTODY

Only juvenile offenders 14 years or older may be placed in secure custody. When placing a juvenile in secure custody, a supervisor shall be notified as soon as practicable.

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 themselves or others.

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

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

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.

400.11.1 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:

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(a) The juvenile shall constantly be monitored by an audio/video system during the entire time in custody.

(b) Juveniles shall have constant auditory access to department members.

(c) Initial placement into and removal from a 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).

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

400.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are followed to address the suicide attempt, death or serious injury of any juvenile held at the Gresham Police Department. The procedures will address:

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

(b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

(c) Notification of the appropriate Deputy District Attorney in the event of death or serious injury.

(d) Notification of the City Attorney.

(e) Evidence preservation.

400.13 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.

400.14 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.

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(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 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).

400.15 RECORDS

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

Reports and other material relating to juveniles is generally considered privileged and may not be disclosed directly or indirectly except as provided in the Records Maintenance and Release Policy.

400.16 TRAINING

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

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Private Persons Arrests

401.1 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).

401.2 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.

401.3 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 reasonably believe is necessary, to make the arrest or to prevent the arrested person's escape.

401.4 OFFICER RESPONSIBILITIES

Any officer, presented with a private person who wishes to make an arrest, must determine whether or not there is probable cause to believe that such an arrest would be lawful.

(a) Should an officer determine there is not probable cause to believe 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 advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

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(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.

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Custodial Searches

402.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants, weapons, or means of escape into police or correctional facilities. 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.

402.1.1 DEFINITIONS

Definitions related to this policy include:

Custody Search - An in-custody search of an individual and of the person's 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 the individual's 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 the individual's underclothing, buttocks, genitalia or female breasts are visible.

402.2 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.

402.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after an 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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402.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Gresham 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.

402.4.1 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 list should also include the case number, date, time, and member's Gresham Police Department identification number.

402.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. Money, negotiable checks or coins may be placed in a separate envelope or clear bag and then placed within the individual's personal property before it is sealed. Currency amounts shall be indicated on the completed inventory form.

402.4.3 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.

402.5 STRIP SEARCHES

No individual in temporary custody at any Gresham 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.

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(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).

402.5.1 STRIP SEARCH PROCEDURES

Strip searches at Gresham Police Department facilities shall be conducted as follows (28 CFR 115.115):

(a) Written authorization from the Watch 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:

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 Watch 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.

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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.

402.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch 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.

402.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written approval of the Watch 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.

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(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 Watch 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.

402.7 TRAINING

The Training Unit 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.

402.8 CLOSED CONTAINER SEARCHES

Closed containers will not be opened for inventory purposes except for the following, which shall be opened for inventory includes, but is not limited to backpacks, 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.

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Citation Releases

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Gresham 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.

403.2 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).

403.2.1 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).

403.3 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(3)(a) (Orders Relating to Stalking, Elder and Disability Abuse, Sexually 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), 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.

403.4 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.

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Detentions and Photographing Detainees

404.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all contacts (whether on foot, in a vehicle, or otherwise), detentions, photographing and searches of persons by this Department are lawful; not in violation of the person's civil rights; and not motivated by the officer's perception of the person's race, color, sex, sexual orientation or national origin unless allowed by law.

404.2 DEFINITIONS

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person’s freedom of movement.

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that 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 - Field photographs are defined as posed photographs taken of a person during a contact, 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 when persons are not posed for the purpose of photographing are not considered field photographs.

Frisk or Pat-Down Search - This is the normal type of search used by officers in the field to check an individual for 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) and does not involve going into pockets, containers, etc.

Mere Conversation or Mere Encounter - Questioning without any restraint of liberty; there is no legal justification required for mere conversation or mere encounter.

Reasonably Suspects or Reasonable Suspicion - A belief held by a police officer that is reasonable under the totality of the circumstances existing at the time and place the police officer acts as authorized in ORS 131.605 and 131.625. NOTE: Reasonable suspicion is established when such a belief is held by the police officer; it is more than a hunch or a feeling, but less than the probable cause necessary to make an arrest.

Stop - A stop is a temporary restraint of a person's liberty by a peace officer lawfully present in and place (ORS 131.605(7)). The stop may be 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).

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404.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting a field interview where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

(a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) The actions of the suspect suggest that he/she is engaged in a criminal activity.

(c) The hour of day or night is inappropriate for the suspect's presence in the area.

(d) The suspect's presence in the particular area is suspicious.

(e) The suspect is carrying a suspicious object.

(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.

(g) The suspect is located in proximate time and place to an alleged crime.

(h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

404.3.1 INITIATING A FIELD INTERVIEW

An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer’s suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Gresham Police Department to strengthen our community involvement, community awareness and problem identification.

404.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost 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 investigators to utilize available personnel for the following:

(a) Identify 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

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of identification, officers should attempt to identify the witness prior to his/her departure.

404.4 FRISK OR PAT-DOWN SEARCHES

A frisk or pat-down search of a detained subject 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).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) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.

(c) The appearance and demeanor of the suspect.

(d) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

(e) Statements made by the suspect, witnesses or other persons.

(f) The hour of the day and the location or neighborhood where the stop takes place.

404.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider ORS 181A.250 below:

> ***181A.250 Specific information not to be collected or maintained*** *- No law enforcement agency, as defined in ORS 181A.010 may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the investigation is or may be involved in criminal conduct.*

404.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

404.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention.Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent.The officer must be able to articulate facts that reasonably indicate that the subject was involved in, or was about to become involved in, criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

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All field photographs and related reports shall be submitted to the Records Section and retained in compliance with this policy.

404.6 SUPERVISOR RESPONSIBILITY

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations.This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

404.7 DISPOSITION OF PHOTOGRAPHS

If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

404.7.1 PURGING THE FIELD PHOTO FILE

Property and Evidence personnel will be responsible for ensuring that photographs that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the Gresham Police Department.

404.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI.The request shall be directed to the Office of the Chief of Police who will ensure that the status of the photograph or FI is properly reviewed according to this policy.Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.

404.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Chief of Police or his designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI. Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason(s) for the delay.

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A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief of Police or his/her designee to discuss the matter.

After carefully considering the information available, the Chief of Police or his/her designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and Gresham Police Department policy and, even if properly obtained, whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief of Police or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining non-arrest photograph no longer exists or that it was obtained in violation of existing law or policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original FI was not obtained in accordance with established law or department policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief of Police or his/her designee determines that any involved Gresham Police Department personnel violated existing law or department policy, the Chief of Police or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

Within 30 days of the Chief of Police's determination the person photographed/FI'd will be notified in writing whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

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Subpoenas and Court Appearances

405.1 PURPOSE AND SCOPE

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

405.2 POLICY

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

405.3 SUBPOENAS

Only department members are authorized to receive a subpoena on behalf of this department or any of its members.

A subpoena may be served upon a member by one of the following (ORS 136.595; ORCP 55):

(a) Personal service.

(b) Accepted by an authorized member on behalf of a currently employed officer who is within the state at the time of service and is delivered at least 10 days prior to the hearing date specified on the subpoena.

1. Attendance at trial is related to the officer's work performed in the course of employment as a peace officer.

2. The subpoena clerk shall make a good faith effort to notify the subpoenaed officer of the date, time and location of the court appearance. If the officer cannot be notified, the subpoena clerk will promptly notify the court of the inability to contact the officer.

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

(d) By email.

(e) By Fax.

A civil subpoena being served upon a member as an expert witness may be personally served upon the member or member's immediate supervisor (ORS 44.552).

Subpoenas shall not be accepted unless accompanied by the appropriate witness fees as allowed by law (ORS 44.415; ORS 44.554; ORCP 55 (D)(1)).

405.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the District Attorney's Office shall notify their immediate supervisor without delay regarding:

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

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(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of their official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of their association with the Gresham Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Gresham Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

405.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

405.3.3 OFF-DUTY RELATED SUBPOENAS

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

405.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

405.5 COURTROOM PROTOCOL

When appearing in court, members shall:

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

(b) Dress in the department uniform or business attire.

    (a) Casual business attire for traffic court and grand jury appearances.

    (b) Professional business attire for criminal and civil court.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

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405.5.1 TESTIMONY

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

405.6 OVERTIME APPEARANCES

When a member appears in court on their off-duty time, they will be compensated in accordance with the current collective bargaining agreement.

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Warrant Service

406.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of planned arrest and search warrants by members of the Gresham Police 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.

406.2 POLICY

It is the policy of the Gresham 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.

406.3 DEFINITIONS

(a) **Administrative Arrest/Search Warrant:** Planned arrest/search warrant executions that involve circumstances where there is little to no known risk of violence or the need to use force upon any person to accomplish the successful execution of the warrant. These circumstances include cases where the person to be arrested/searched is already safely detained, or the item or location to be searched is already under police control. Such circumstances also include cases where investigating members conclude that the subject of the arrest/search warrant poses little to no risk to members who employ standard officer safety and patrol tactics considerations when contacting or arresting persons or securing a location for further search and investigation. In all such cases members will rely upon their training as provided by the Gresham Police Department in patrol tactics, defensive tactics, incident management and sound situational awareness to determine a course of action that is consistent with this definition.

(b) **Tactical Arrest/Search Warrant:** Planned arrest/search warrant executions where forced entry into a location or within a location may be required, where a person(s) are present in a location that are unknown to members and members are unable to evaluate the potential threat that such person(s) may pose, where the physical layout of a location is complex requiring skilled and highly coordinated officers to safely clear and secure the location, where the pre-planned box-in of a vehicle is required to effect the warrant execution, or where a supervisor believes that the circumstances of the warrant execution are beyond the skill set and competencies of the officers responsible for the warrant execution.

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(c) **High-Risk Arrest/Search Warrant:** Planned arrest/search warrant executions where a formal Operations Risk Assessment indicates a mandatory use of SWAT/CNT for the execution of the warrant.

406.4 OPERATIONS COMMANDER

The Division Commander or designee (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 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.

406.5 ARREST AND 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 Deputy District Attorney. He/she will also complete the Risk Assessment Form and submit it, along with the warrant affidavit, to the appropriate supervisor and the appropriate captain for review and classification of risk (see the Operations Planning and Deconfliction Policy). A Risk Assessment Form is also necessary for a planned service of an arrest warrant as directed in the Operations Planning and Deconfliction Policy.

406.6 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.

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(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).

406.7 WARRANT SERVICE

(a) The focus of this policy is upon planned arrest/search warrants that are typically executed by investigative units within the Operations and Investigations Divisions, including detectives, EMGET, SET, and NET. This policy is not intended to direct the routine execution of arrest warrants as wanted persons are encountered during regular patrol operations, vehicle box-in applications that are not pre-planned tactical operations, or the emergency entry into premises as authorized by law in exigent circumstances. It is the expectation of the Operations and Investigations Divisions that all such routine arrest warrant service, vehicle box-in applications that are not pre-planned tactical operations or emergency entry into premises under exigent circumstances are conducted in accordance with training provided by the Gresham Police Department in patrol tactics, defensive tactics, incident management and sound situational awareness.

(b) In all cases where members plan an arrest/search warrant execution, the Division Commander or authorized designeee will determine whether the warrant is administrative, tactical or high-risk in nature, based upon the totality of the circumstances and the information that is available given a thorough assessment of the situation.

1. In cases where the warrant service is determined to be administrative in nature the supervising member will proceed with the planned warrant execution based upon the considerations of patrol tactics, defensive tactics, incident management and sound situational awareness training as provided by the Gresham Police Department.

2. In cases where the warrant service is determined to be high-risk or tactical in nature the supervising member will contact a SWAT supervisor and SWAT will provide assistance in planning the warrant and provide sufficient SWAT personnel and equipment to execute the warrant. The SERT lieutenant will review and approve the use of SERT and the tactical plan in each case.

(c) The responsibilities of SERT under this policy are:

1. Provide a timely response to all requests for tactical warrant service.

2. Tactical warrant service requests are not authorizations for full-team activations, and SERT is strictly limited to the constraints of Unit Assistance as described in Policy 1001, Special Emergency Response Team.

3. SERT will tailor their uniform and equipment response to be consistent with the uniforms and equipment typically available to investigative units in warrant service, with the exception of the SERT equipment specifically authorized in Policy 1001, Special Emergency Response Team.

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4. The SWAT supervisor will advise the supervising member of the involved investigative unit in the planning and execution of the warrant; however, the supervising member of the involved investigative unit retains supervisory responsibility for the warrant service.
5. Once SWAT is deployed in the actual execution of the warrant service, the SWAT supervisor has full supervisory and tactical responsibility for SWAT members and their actions.
6. Any and all reporting requirements that may be generated per applicable directive during the warrant service are the responsibility of the SWAT supervisor and supervising member of the involved investigative unit.

406.8 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.

406.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are returned as soon as reasonably possible, but in any event no later than any date specified on the warrant.

406.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Operations 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:

(a) Identity of team members

(b) Roles and responsibilities

(c) Familiarity with equipment

(d) Rules of engagement

(e) Asset forfeiture procedures

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Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Operations Commander. The 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 commander should ensure that members of the Gresham Police Department are utilized appropriately. Any concerns regarding the requested use of Gresham 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 Commander is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside Gresham Police Department jurisdiction, the Operations 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 Gresham Police Department when assisting outside agencies or serving a warrant outside Gresham Police Department jurisdiction.

406.11 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.

406.12 TRAINING

The Training Unit should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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Temporary Custody of Adults

407.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Gresham Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults are in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Gresham Police Department Temporary Holding prior to being released or transported to a housing or other type of facility.

407.2 POLICY

The Gresham Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

407.3 GENERAL CRITERIA AND SUPERVISION

"Temporary hold” means a facility, the principal purpose of which is the temporary detention of a prisoner for four or less hours while awaiting court appearance or transportation to a local correctional facility. (ORS 169.005 (8)).

407.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Gresham Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported (ORS 169.105).

(b) Any individual who has a medical condition, including pregnancy, who may require medical attention, supervision or medication while in temporary custody.

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(c) Any individual who is seriously injured.

(d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).

  (a) If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated (ORS 430.399).

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

407.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member or Multnomah County Corrections Deputy capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision (ORS 169.078). Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

Absent exigent circumstances, such as a medical emergency or a violent subject, department members should not enter the cell of a member of the opposite sex unless a department member of the same sex as the subject in custody is present. In the event a member of the opposite sex is not available, a second officer is necessary to witness the exchange.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

407.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

(a) Authorized members entering for official business purposes.

(b) Emergency medical personnel when necessary.

(c) Any other person authorized by the Watch Commander or on-duty supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

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407.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the jail or the appropriate mental health facility.

The officer should promptly notify the supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

407.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

(a) Advise the Watch Commander or on-duty supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.

2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):

    (a) Continuous, direct sight and sound supervision.

    (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.

3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).

4. Ensure males and females are separated by sight and sound when in cells.

5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

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407.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Training Sergeant will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.

1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.

1. If the country is on the mandatory notification list, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.

(c) Forward any communication from the individual to his/her consular officers without delay.

(d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.

2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Forward any communication from the individual to his/her consular officers without delay.

407.5 SAFETY, HEALTH AND OTHER PROVISIONS

407.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Gresham Police Department, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the Department.

(c) Time of all safety checks.

(d) Any medical and other screening requested and completed.

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(e) Any emergency situations or unusual incidents.

(f) Any other information that may be required by other authorities, such as compliance inspectors.

(g) Date and time of release from the Gresham Police Department.

407.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins (ORS 169.078).

(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during conversations with representation.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(i) Adequate furnishings are available, including suitable seating or benches (ORS 169.078).

407.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members.

Should a person in custody be injured or become ill, appropriate medical assistance should be requested and a supervisor will be notified. A supervisor may meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, the custody will be accompanied by the an officer in the safest manner believed by the officer and supervisor.

Those who require medication while in temporary custody should not be at the Gresham Police Department. They should be released or transferred to another facility as appropriate.

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407.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

407.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls after arrival and when reasonable.

(a) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

    1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(b) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

407.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The on-duty supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual’s head and face may be temporarily removed during the taking of any photographs or if the garments present a security concern.

407.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

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407.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Gresham Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

407.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

407.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy.

Upon release of an individual from temporary custody, the person's items of personal property shall be released with the person or transferred with that person to another facility or court. If the person is to be transported to another facility, the officer providing the transport shall maintain control of the person's personal property until the transport is complete and the person and personal property have been lodged at another facility.

The on-duty supervisor shall be notified whenever an individual alleges there is a shortage or discrepancy regarding the person's personal property. The supervisor shall assess the allegation, conduct an investigation, notify the Watch Commander, or the most appropriate combination thereof.

407.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when the individual is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, rings, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to department members.

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(d) The individual's initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by department members shall occur no less than every 30 minutes.

  (a) Safety checks should be at varying times.

  (b) All safety checks shall be logged.

  (c) The safety check should involve questioning the individual as to his/her well-being.

  (d) Individuals who are sleeping or apparently sleeping should be awakened.

  (e) Requests or concerns of the individual should be logged.

407.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Operations Division Captain will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Gresham Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Watch Commander, Chief of Police and Investigation Person Crime Sergeant.

(c) Notification of the District Attorney's Office on any death or serious injury.

(d) Notification of the City Risk Manager or designee.

(e) Notification of the Medical Examiner.

(f) Evidence preservation.

407.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All required reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) Property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual except property that must be scheduled for a release, such as a vehicle or property only the Property and Evidence Section can release.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any non-public areas of the Gresham Police Department unless escorted by a member of the Department.

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(g) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

407.11 ASSIGNED ADMINISTRATOR

The Operations Division Captain will ensure any reasonably necessary supplemental procedures are in place to address the following issues (ORS 169.078):

(a) General security

(b) Key control

(c) Sanitation and maintenance

(d) Emergency medical treatment

(e) Escapes

(f) Evacuation plans

(g) Fire- and life-safety

(h) Disaster plans

(i) Building and safety code compliance

407.12 TRAINING

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

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Chapter 5 - General Operations

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Major Incident Notification

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Gresham Police Department in determining when, how and to whom notification of major incidents should be made.

500.2 POLICY

The Gresham Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

500.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police, Operations Commander and the Watch Commander. The following list of incident types is provided as a guide for notification and is intended to be the minimum notification:

(a) Homicides or Major Crimes Team activations

(b) Traffic accidents with fatalities or Vehicular Crimes Team activations

(c) Officer-involved shooting on or off-duty (see the Officer-Involved Shooting Policy, 305 for special notifications)

(d) Significant injury or death to an employee on or off-duty

(e) Death of a prominent official

(f) Arrest of department employee or prominent official

(g) Aircraft crash with major damage and/or injury or death

(h) In-custody deaths

(i) Any other event likely to attract media attention

(j) Any incident that requires recall of off-duty personnel

(k) Any incident that may be of high liability to the department or significant financial cost

500.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander, or designee in their absence, is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made during off-duty hours by calling the member's work, cellular telephone.

500.4.1 SUPERVISOR'S RESPONSIBILITIES

In the event an incident occurs that requires notifications, the Watch Commander shall be notified along with the Operations Commander.

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500.4.2 DETECTIVE NOTIFICATION

If the incident has required the activation of the Major Crime Teams and requires that a detective respond from home, the Patrol Supervisor shall be contacted. The Patrol Sergeant will then contact the appropriate Investigation's Sergeant.

500.4.3 TRAFFIC DIVISION NOTIFICATION

In addition to the supervisor's responsibilities outlines in 500.4.1 above, the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator and/or activation of VCT. The Traffic Sergeant will notify the Traffic Lieutenant.

500.4.4 PUBLIC INFORMATION OFFICER (PIO)

The sergeant or Watch Commander shall notify the Public Information Officer, after members of staff have been notified that it appears the media may have a significant interest in the incident.

500.4.5 SERT NOTIFICATION

The on-scene supervisor shall make a request to the Watch Commander for the Special Emergency Response Team. The Watch Commander shall then notify the SERT Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Records Section by the East Metro SWAT Team Leader. The Watch Commander will then notify the Patrol Operations Captain as soon as practical (Policy # 1001 Special Emergency Response Team).

The Watch Commander should advise the SERT Commander with as much of the following information which is available at the time:

(a) The number of suspects, known weapons and resources

(b) If the suspect is in control of hostages

(c) If the suspect is barricaded

(d) The type of crime involved

(e) If the suspect has threatened or attempted suicide

(f) The location of the command post and a safe approach to it

(g) The extent of any perimeter and the number of officers involved

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender

The SERT Commander or Team Leader shall then call selected officers to respond.

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Community Relations

501.1 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:

(a) Hate Crimes Policy.

(b) Limited English Proficiency Services Policy.

(c) Communications with Persons with Disabilities Policy.

(d) Chaplains Policy.

(e) Patrol Function Policy.

(f) Suspicious Activity Reporting Policy.

501.2 POLICY

It is the policy of the Gresham Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

501.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships.

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members 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 Bureau of Emergency Communications (BOEC) of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Bureau of Emergency Communications (BOEC) of their location and status during the foot patrol.

501.4 COMMUNITY ENGAGEMENT

The Chief of Police should designate members of the Department to engage with the community. The officers activities should include, but not limitied to:

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(a) Obtaining department-approved training related to the officer's responsibilities.

(b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Organizing surveys to measure the condition of the department's relationship with the community.

(d) Working with community groups, department members and other community resources to:

1. Identify and solve public safety problems within the community.
2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

(e) Working with the Captain to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.

(f) Recognizing department and community members for exceptional work or performance in community relations efforts.

(g) Attending City Council and other community meetings to obtain information on community relations needs.

(h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.

(i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

501.5 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The department should assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Department sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

(b) Police community get togethers (e.g., cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) School resource officer

(e) Police Cadet Program

(f) Neighborhood Watch and crime prevention programs.

501.6 INFORMATION SHARING

The Department should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications,

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significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information sharing methods include:

(a) Community meetings.

(b) Social media (see the Department Use of Social Media Policy).

(c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

501.7 LAW ENFORCEMENT OPERATIONS EDUCATION

Department members should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Department website postings.

(c) Presentations to driver education classes.

(d) Instruction in schools.

(e) Department ride-alongs (see the Ride-Alongs Policy).

(f) Scenario/Simulation exercises with community member participation.

(g) Youth internships at the Department.

(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 regarding alleged misconduct or inappropriate job performance by department members.

501.8 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

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501.9 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers.

501.10 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.

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Bias-Based Policing

502.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Gresham Police Department 's commitment to policing that is fair and objective (ORS 131.920).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

See the Personnel Complaints Policy regarding acceptance of complaints alleging profiling and investigation of such complaints.

502.1.1 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 sole basis for providing differing law enforcement service or enforcement.

Profiling- the targeting of an individual by a law enforcement agency or a law enforcement officer, on suspicion of the individual's having violated a provision of law, based solely on the individual's real or perceived age, race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the agency or officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law (ORS 131.915).

502.2 POLICY

The Gresham Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

502.3 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.

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502.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

502.4.1 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.

502.5 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy (922 Personnel Complaints).

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

(b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(c) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial or bias-based profiling.

502.6 STATE REPORTING

502.6.1 STATE REPORTING TO LAW ENFORCEMENT CONTACTS POLICY AND DATA REVIEW COMMITTEE

The Office of the Chief of Police shall annually provide Law Enforcement Contacts Policy and Data Review Committee (LECC) the following (ORS 131.925):

(a) Copies of profiling complaints received by the Department.

(b) A summary of each profiling complaint received by the Department and the final disposition of the profiling complaint on the appropriate Department of State Police (DSP) form.

1. This form is to be submitted even if no profiling complaints were received by the Department.

Summaries of complaints and copies of complaints provided to LECC may not include personal information concerning the complainant or an officer except as to any personal information on the DSP form (ORS 131.925).

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The Office of the Chief of Police should provide LECC, upon request, data regarding stops or contacts as identified in ORS 131.906 (5). Data provided may not identify an officer or an individual whose demographic data is collected (ORS 131.906).

502.6.2 STATE REPORTING TO OREGON CRIMINAL JUSTICE COMMISSION
The Records Section shall provide the OCJC with traffic and pedestrian stop data annually as prescribed by ORS 131.935 (3).

Data may not include information that reveals the identity of any stopped individual or of any officer (ORS 131.935).

502.7 TRAINING
Training on fair and objective policing and review of this policy should be conducted as directed by the Training Unit.

502.7.1 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING
The Training Unit 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).

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Discriminatory Harassment

503.1 PURPOSE AND SCOPE

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

503.2 POLICY

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

The non-discrimination policies of the Gresham Police Department and City of Gresham 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.

503.3 DISCRIMINATION PROHIBITED

503.3.1 DISCRIMINATION

The Gresham Police Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

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 equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department commitment to a discrimination-free work environment.

503.3.2 SEXUAL HARASSMENT

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

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503.3.3 RETALIATION

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

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Extreme Risk Protection Orders ***Do not confuse with Emergency Protective Order Policy***

504.1 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.

504.1.1 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.

504.2 POLICY

It is the policy of the City of Gresham to petition for and serve extreme risk protection orders in compliance with state law, and to properly account for deadly weapons obtained by the department, pursuant to such orders.

504.3 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). See attachment: Extreme Risk Protection Order affidavit packet.

504.4 SERVICE

The person shall be personally served with a copy of the extreme risk protection order and a Notice to Respondent and Request for Hearing 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).

Any served order shall be entered into the state's Law Enforcement Data Systems (LEDS) by the Gresham Police Department, 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.

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(b) By any law enforcement agency and this Department is provided a receipt of a copy of the order and notice of completion of service.

(c) By a person and this Department 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 officer 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 they provided. If the officer is the petitioner and service is not made, the order shall be held for future service and the officer should file notice to the court showing service was not completed (ORS 166.527).

504.5 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 the person's 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 (ORS 166.537). 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.

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, including firearms, 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.

Officers shall keep in mind the ERPO does not grant any additional search powers or authority.

A receipt identifying all surrendered items shall be prepared by the officer and a copy given to the respondent. The officer, within 72 hours after service of the order, shall file the original receipt with the court and shall ensure that the Records Section retains a copy of the receipt (ORS 166.537).

504.6 RECORDS MANAGER RESPONSIBILITIES

The Records Manager 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 (ORS 166.537).

(b) Ensuring orders have been properly entered into state and national databases as required by ORS 166.527.

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(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).

504.7 RELEASE OF DEADLY WEAPONS

Any deadly weapon or concealed handgun license in Department custody pursuant to an extreme risk protection order will be released only as authorized by ORS 166.540 and applicable provisions of the Property and Evidence Policy.

504.8 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Investigation Division supervisor is responsible for the review of any extreme risk protection order obtained by the Department to determine if renewal should be requested within the time prescribed by law (ORS 166.535).

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Mutual Aid and Outside Agency Assistance

505.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

505.2 POLICY

It is the policy of the Gresham Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

505.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for assistance from another agency should be routed to the shift sergeant for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from the Gresham Police Department, the supervisor may determine the resources necessary to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of the Gresham Police Department.

Officers may respond to a request for emergency assistance. However, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by the Gresham Police Department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances, and subject to supervisor approval, will Gresham officers provide transportation of arrestees to other facilities on behalf of outside agency. The supervisor shall ensure the transporting officer is relieved once the transport is complete. This relief will ensure the transporting officer is not responsible for sitting with an other agency's custody unnecessarily.

When the transport is complete, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

505.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual-aid request and take place outside the jurisdiction of the Gresham Police Department shall notify their supervisor or the Watch Commander and Bureau of Emergency Communications (BOEC) as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

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505.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

505.5 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Lieutenant liaison to UASI or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Bureau of Emergency Communications (BOEC) and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Unit should maintain documentation that the appropriate members have received the required training.

505.6 COURTESY REPORTS

(a) Officers will take courtesy reports for all jurisdictions. If an officer believes there is a reason a courtesy report should not be initiated because of the seriousness of the incident or because of questions of legitimacy, the officer will notify his supervisor. The supervisor will contact a supervisor from the jurisdiction where the incident originated to determine a course of action.

(b) Unless directed by a supervisor, officers will not initiate contact with another jurisdiction to determine responsibility for the incident (exceptions are when a Sergeant is not on-duty.) When in doubt, the responding officer will initiate a report and begin the investigation.

(c) Officers will inform citizens upon completion of taking the courtesy report that the report will be forwarded to the appropriate jurisdiction for any and all follow-up investigative work.

(d) BOEC shall not have any discretion in determining which jurisdiction shall be the initial responder. The jurisdiction where the caller is located shall be the jurisdiction dispatched.

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Mutual Aid and Outside Agency Assistance

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Sex Offender Registration

506.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Gresham Police Department will address issues associated with certain offenders and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

506.2 POLICY

It is the policy of the Gresham Police Department to identify registered offenders living within this jurisdiction.

506.3 REGISTRATION

The Investigation Division 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, and associated with offenders who reside in the jurisdiction, the Investigation Division should 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). In addition, employees assigned to register offenders should complete the OSP user authorization.pdf.

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.

506.3.1 CONTENTS OF REGISTRATION

Registrants shall (ORS 181.806):

(a) Provide the information to complete the sex offender registration form and sign it.

(b) Submit to photographs, and list scars, marks or tattoos, when initially reporting and each time the registrant reports annually.

(c) Submit to fingerprinting, if required.

506.4 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. 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.

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

The Records Manager shall release local registered offender information to residents in accordance with state law and in compliance with Oregon Public Records Law requests (ORS 163A.215; ORS 163A.225; ORS 192.311 to ORS 192.499).

506.4.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register, who are in compliance with the offender registration laws and who the law permits to be included.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The information on the registry may not reflect the entire criminal history of a registered offender.

(e) Anyone who uses information contained in the registry to harass or discriminate against registrants or commit any crime may be subject to criminal prosecution and/or civil action.

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Limited English Proficiency Services

507.1 PURPOSE AND SCOPE

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

507.1.1 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.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

507.2 POLICY

It is the policy of the Gresham 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.

507.3 LEP COORDINATOR

The Chief of Police may delegate certain responsibilities to an LEP Coordinator. The responsibilities of the LEP Coordinator may include:

(a) Coordinating and implementing all aspects of the Gresham 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 Watch Commander. The list should include information regarding the following:

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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) Periodically 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.

507.4 TYPES OF LEP ASSISTANCE AVAILABLE

Gresham 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.

507.5 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered.

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507.6 AUDIO RECORDINGS

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

507.7 AUTHORIZED INTERPRETERS

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

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.

507.7.1 SOURCES OF AUTHORIZED INTERPRETERS

The department may contract with authorized interpreters who are available over the telephone. Members may use these services in compliance with established procedures.

Other sources may include:

(a) Qualified bilingual members of this department or personnel from other City departments.

(b) Individuals employed exclusively to perform interpretation services.

(c) Contracted in-person interpreters, such as state or federal court interpreters, among others.

(d) 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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507.7.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

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

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, the Gresham Police 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.

507.8 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, the State of Oregon utilizes the Four-Factor Analysis to determine the number, frequency of contact, type of program needed, and the resources available 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 the Gresham Police 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.

507.9 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

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

507.10 FIELD ENFORCEMENT

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

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

507.11 INVESTIGATIVE FIELD INTERVIEWS

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

(a) An authorized department member or allied agency interpreter

(b) An authorized telephone interpreter

(c) 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.

507.12 CUSTODIAL INTERROGATIONS

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

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

507.12.1 INTERPRETER REQUIRED IN ARRESTS

An officer who arrests a person who cannot readily understand or communicate the English language shall, prior to any interrogation or the taking of a statement, make available a qualified

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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).

507.13 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

507.14 COMPLAINTS

The department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The department may provide an authorized interpreter or translated forms, as appropriate. Complaints will follow the established complaint process with copies provided to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy.

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.

507.15 COMMUNITY OUTREACH

This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

507.16 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the department will provide periodic training, through a variety of methods, on this policy and related procedures; including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Section shall maintain records of all LEP training provided to department members and will retain a copy in each member's training file in accordance with established records retention schedules.

507.16.1 INTERPRETATION AND TRANSLATION QUALIFICATION FOR SWORN AND CIVILIAN MEMBERS

Employees who are deemed qualified by the department as an interpreter/translator shall receive additional pay as outlined in the respective collective bargaining agreements. This compensation is for the utilization of this language skill in official department functions or activities.

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Languages eligible for interpreter/translator pay are:

a. Covered in the Member's respective Collective Bargaining Agreement (CBA)

b. Covered in the Gresham Employee Manual (GEM) if not identified in the Member's CBA

c. Covered in the GEMs for non-represented Members

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Hearing Impaired/Disabled Communications

508.1 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.

508.1.1 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.

508.2 POLICY

It is the policy of the Gresham 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.

508.3 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 Services Captain 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 Gresham 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 Watch Commander and Lead Emergency Communications Dispatcher. 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.

508.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean they completely understand the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

508.5 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.

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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 Gresham 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.

508.6 TYPES OF ASSISTANCE AVAILABLE

Gresham Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

508.7 AUDIO RECORDINGS AND ENLARGED PRINT

The department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

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508.8 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 speech reading (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).

508.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

508.10 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

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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.

508.11 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.

508.12 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.

508.13 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 Gresham Police 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.

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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.

508.13.1 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 speech read 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.

508.14 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, the Gresham Police Department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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

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508.14.1 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).

508.15 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.

508.16 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 Office of the Chief of Police.

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.

508.17 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. The Gresham Police Department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

508.18 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:

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(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Unit shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Unit 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.

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Service Animals

509.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Gresham Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

509.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

509.2.1 STATE LAW

Oregon law expands the definition of a service or assistance animal to include a dog or other animal designated by administrative rule that is individually trained to do work or perform tasks for the benefit of an individual (OAR 839-006-0345).

509.2.2 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

(a) Guiding people who are blind or have low vision.

(b) Alerting people who are deaf or hard of hearing.

(c) Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.

(d) Pulling wheelchairs.

(e) Providing physical support and assisting people with stability and balance.

(f) Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

(g) Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

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509.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Gresham Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

(a) Is the animal required because of a disability?

(b) What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task the animal meets the definition of a service animal and no further question as to the animal's status should be asked. **The person should not be questioned about their disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.**

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law, independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as the result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

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Native American Graves Protection and Repatriation

510.1 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.).

510.1.1 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.

510.2 POLICY

It is the policy of the Gresham 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.

510.3 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):

(a) Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture

(b) State land/Private land - Oregon State Police, State Historical Preservation Officer, appropriate Indian tribe and the Commission on Indian Services (ORS 97.745)

(c) Tribal land - Responsible Indian tribal official

510.4 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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Reserve Officers

511.1 PURPOSE AND SCOPE

The Gresham 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.

511.2 SELECTION & APPOINTMENT OF POLICE RESERVE OFFICERS_DEPUTIES

The Gresham 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.

511.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Upon appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a basic reserve academy within 18 months of the date of appointment.

511.2.2 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.

511.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS_DEPUTIES

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.

511.2.4 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 Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 C.F.R.553.30).

511.3 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

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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.

511.3.1 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.

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

511.3.3 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.

511.4 FIELD TRAINING
The field training program shall consist of the completion of three training phases to be completed under the supervision of a Primary Training Officer, with the assistance of other training officers, as assigned by the department. During the field training period the reserve officer must complete the standard DPSST Field Training Manual as described in Policy Manual § 350.4.3.

511.4.1 TRAINING OFFICERS
Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Watch Commander approval.

511.4.2 PRIMARY TRAINING OFFICER
Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

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511.4.3 FIELD TRAINING MANUAL

Each new reserve 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 Gresham Police Department. Each section of the manual must be signed-off by both the Primary Training Officer and any other officer observing the performance. The completed manual will be submitted to the department Training Unit 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.

511.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

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

511.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer designated by the Watch Commander.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

511.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

511.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer

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for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

511.5 SUPERVISION OF RESERVE OFFICERS

Level II reserve officer should be under the immediate supervision of a regular sworn officer. Although a reserve officer may have attained the status of a Level II reserve officer, these provisions shall continue to apply unless special authorization is received which relieves the immediate supervision requirement.

511.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve officers certified as Level II may, with prior authorization of the Reserve Coordinator and on approval of the By exact title, be relieved of the "immediate supervision" requirement. Level II 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 By exact title, the Watch Commander may assign a certified Level II reserve officer to function as above for specific purposes and duration.

511.5.2 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.

511.5.3 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.

511.5.4 UNIFORM

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

511.5.5 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 By exact title.

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.

511.5.6 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

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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.

511.6 FIREARMS REQUIREMENTS

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

511.6.1 CARRYING WEAPON ON DUTY

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

511.6.2 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.

511.6.3 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.

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.

511.6.4 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 every other month

(b) Reserve officers may fire at the department approved range at least once each month and more often with the approval of the Reserve Coordinator

(c) Should a reserve officer fail to qualify over a two-month period, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

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511.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

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

511.8 RESERVE LEVELS

Reserve officers become eligible to perform at different levels in the organization based on their training and experience. All reserve officers begin at Level I. The training and experience required for each level and the types of duties each is eligible to perform are listed below:

(a) Level I - Recruit Reserve Officer. Level I Reserves are newly appointed and are beginning their training. They do not wear a police uniform and are not permitted to carry weapons. Level I Reserves may ride with regular officers on patrol wearing civilian clothes. They perform no law enforcement functions

(b) Level II - Reserve Officer. Level II Reserves have successfully completed the Reserve Academy including qualification with duty weapons, defensive tactics, use of force, criminal law and traffic code. Level II reserves may perform their duties in uniform, carry weapons and perform law enforcement functions under the direct supervision of a Training Officer.

(c) Level III - Reserve Officer. Level III Reserves have successfully completed the Reserve Academy, all three phases of the Reserve Field Training Program for a total of 484 hours of Field Training. Level III Reserves are authorized to perform law enforcement functions without direct supervision and to operate in a solo patrol assignment.

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Homeless Persons and Unauthorized Campsite Clean-up

511.1 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 Gresham Police Department recognizes that members of the homeless community are often in need of special protection and services. The Gresham 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.

511.1.1 POLICY

It is the policy of the Gresham 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.

511.2 HOMELESS COMMUNITY LIAISON

In the case the City of Gresham does not have a Homeless Community Liaison, the Chief of Police will designate a member of the Neighborhood Enforcement Team (NET) to act as the Homeless Liaison. 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) 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 Property and Evidence Policy and other established procedures.

(d) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

511.3 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.

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Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

511.3.1 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) Consider 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.

511.4 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 but should post notice of unauthorized campsite in accordance with Gresham Revised Code 7.10.165.

511.4.1 HOMELESS CAMPSITE CLEAN-UP PROCEDURE

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.

(c) If no people are present, only items of apparent value over $250 will be identified and seized for safekeeping. Advise that property can be reclaimed at the Gresham Police Department between 0800 and 1500 hours, Tuesday through Thursday after the owner of the property has made an appointment with a Gresham Police Department Property Technician.

(d) Advise that unclaimed personal property shall be disposed of after 30 days of retention.

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(e) Items that have no apparent utility, or are in an unsanitary condition may be immediately disposed of.

(f) Officers will take photos of the campsite, property, and posted notice when the notice has been posted.

(g) After notice is posted, officers should advise the contractor of the date and time notice was posted.

(h) Officers shall send an email copy of the posted notice to a designated social service organization.

Officers are not OSHA trained to clean-up or participate in the actual clean-up of these campsites and therefore, are prohibited from doing so. Actual clean-up services have been contracted to a third party, by the City of Gresham, certified in clean-up of these campsites.

511.4.2 CAMPING ON PRIVATE PROPERTY

Owners of private property may allow individuals to camp, provided they do so in a manner consistent with provisions of the Gresham Camping Ordinance. If you believe the camp on private property may violate GRC 7.10.165, notify Code Compliance for follow-up.

Camping on private property without the owner's permission should be handled as a trespass complaint.

The property owner is responsible for clean-up of their property.

511.4.3 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.

511.5 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.

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Information Technology Use

512.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software, and systems.

512.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, internet service, phone service, information conduit, system or other wireless service provided by or funded by the Gresham Police Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender, and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Gresham Police Department also expressly reserves the right to access and audit any, and all communications (including content) sent, received and/or stored through the use of such service.

512.2 DEFINITIONS

The following definitions relate to terms used within this policy.

Computer System - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the Gresham Police Department, which is provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including shareware. This does not include files created by the individual user.

Temporary File or **Permanent File** or **File** - Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

512.3 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 Gresham Police 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

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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.

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.

512.4 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 Watch Commanders.

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

512.4.1 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 Gresham Police 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.

512.5 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.

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To the best of their ability, member's 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, login 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.

512.6 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.

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 Gresham Police 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.

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Media Relations

513.1 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.

513.2 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 notification to the Chief of Police and in situations where the Chief of Police has given prior approval to Division Commanders, Watch Commanders or the designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

513.2.1 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 or designee.

513.3 MEDIA ACCESS

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

(a) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for TFRs should be routed through the Watch Commander. The TFR should

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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).

(b) No member of this department who is under investigation should be subjected to media visits or interviews without the consent of the involved employee.

(c) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police or designee and the express consent of the person in custody.

(d) Media representatives will not be allowed to enter the inner perimeter of a tactical situation or a crime scene while an incident or investigation is in progress.

Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

513.3.1 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 or designee.

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 or designee 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.

513.4 INFORMATION SUBJECT TO RELEASE

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

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

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(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Medical Examiner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of this policy.

513.4.1 SCOPE OF INFORMATION SUBJECT TO RELEASE

The release and inspection of public records is controlled by the Records Maintenance and Release Policy and ORS 192.311 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:

(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.

(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.

513.4.2 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be obtained.

Prior to the release of information on an on-going investigation of a sensitive nature, the Public Information Officer shall confer with the Investigative Supervisor.

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Medical Marijuana

514.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of marijuana under Oregon's medical marijuana laws (ORS 475B.785 et seq.).

This policy is not intended to address laws and regulations related to recreational use of marijuana.

514.1.1 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 571.300).

Handler - A person, joint venture, or cooperative that receives industrial hemp for processing into commodities, products, or agricultural hemp seed (ORS 571.300).

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).

514.2 POLICY

It is the policy of the Gresham 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 Gresham 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.

514.3 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.

514.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

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.

514.3.2 INVESTIGATIONS RELATED TO PATIENT CARDHOLDERS

Officers shall not take enforcement action against a cardholder for engaging in the medical use of marijuana with amounts at or below statutory possession amounts or statutory grow site amounts. Officers shall not take enforcement action against a caregiver for assisting a patient cardholder in the medical use of marijuana with amounts at or below statutory possession amounts or statutory grow site amounts (ORS 475B.907).

Cardholders are required to possess a Registry Identification Card (RIC) when using or transporting marijuana, usable marijuana, medical cannabinoid products, cannabinoid

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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.

514.3.3 AFFIRMATIVE DEFENSE FOR PATIENT NON-CARD HOLDERS

There is an affirmative defense for a patient who does not have an RIC for possession, production of marijuana, or any other criminal offense, in which possession or production of marijuana is an element, when 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

An additional defense occurs when a person who does not meet the definition of a patient, but is taking steps to obtain a RIC. The person also possesses, delivers, 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).

514.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

(a) Grow sites are regulated in the following manner (ORS 475B.810):

1. The Oregon Health Authority must have issued a marijuana grow site registration card for a site to be valid.

2. The grow site registration card must be posted for each RIC holder for whom marijuana is being produced at a marijuana grow site.

(b) An officer who determines that the number of marijuana plants at an address exceeds quantities authorized by statute may confiscate only the excess number of plants (ORS 475B.831).

(c) Because enforcement of medical marijuana laws can be complex and time consuming and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at another time.

2. The case would benefit from review by a person with expertise in medical marijuana investigations.

3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

4. Any other relevant factors exist, such as limited available department resources and time constraints.

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(d) Before proceeding with enforcement related to grow sites, a marijuana producer, or processing sites officers should consider conferring with appropriate legal counsel, the Oregon Health Authority, and/or Oregon Liquor Control Commission (ORS 475B.831; ORS 475B.136).

(e) Registration or proof of registration under ORS 475B.785 to ORS 475B.949 does not constitute probable cause to search the person or property of the registrant or otherwise subject the person or property of the registrant to inspection (ORS 475B.922).

(f) As a licensing authority, the Oregon Liquor Control Commission may assist with related questions regarding recreational marijuana (ORS 475B.070).

514.3.5 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.429).

514.4 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.

514.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property 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 Supervisor is not responsible for caring for live marijuana plants (ORS 475B.922).

Marijuana will not be returned to any person. Any court order to return marijuana should be referred to city counsel.

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The Property Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations Lieutenant.

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Public Recording of Law Enforcement Activity

516.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph, audio or video-record law enforcement actions and other public activities that involve members of this department.

516.2 POLICY

Members of the public, including media representatives, have a First Amendment right to record members of the Gresham Police Department who are performing their official duties in public places, so long as their actions do not interfere with the officer's duties or the safety of officers or others. 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 in accordance with this policy and state and federal law. The fact a recording is capable of being deleted does not by itself create an exigency, justifying the seizure an officer must have reason to believe the person will delete the recording before relying on exigency to seize the recording device.

516.3 RECORDING LAW ENFORCEMENT ACTIVITY

The First Amendment right of the public to record is not absolute and is subject to legitimate and reasonable legal restrictions as noted in 516.4 Officer Response.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present. Individuals may not trespass upon property or enter locations where they are lawfully prohibited from entering simply to record law enforcement activities, nor may citizens unlawfully impede the flow of citizen traffic or pedestrians while recording law enforcement activity.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. While the recording itself and/or overt criticism, insults, or name-calling may be annoying, those acts alone do not rise to the level of interference with law enforcement activity. Examples of interference include, but are not limited to:

(a) Intentional or persistent attempts to tamper with a witness or suspect who is being engaged by police.

(b) Direct physical intervention or breaching the reasonable distance established by the officer, thereby dividing his attention to the matter at hand.

(c) Repeated attempts to engage an officer with questions or interruptions which divide the attention of the officer to the matter at hand.

(d) Impeding the movement of emergency equipment or personnel.

(e) Inciting others to violate any lawful command or the law.

(f) Any action by the recording party that jeopardizes the safety or security of an officer, victim, witness, suspect or third party.

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516.4 OFFICER RESPONSE

(a) Officers may offer a reasonable distance that must be maintained from the law enforcement activity. The distance assigned shall consider the totality of the circumstances regarding the particular law enforcement activity and shall not be for purposes discouraging or interfering with the lawful recording of police activities.

(b) Officers should request within a reasonable time that a supervisor respond to the scene whenever it appears that anyone recording law enforcement activities may be interfering with an investigation or it is believed that the recording itself may be evidence. Realizing that sometimes these can be dynamic situations where actions must be taken immediately, when reasonable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any recording or recording device.

(c) Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are recording in a manner that would cause their behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant and should be specific enough to allow compliance and adequate time to comply. For example, rather than simply directing an individual to clear the area, an officer should advise the person from where or at what distance they may continue lawfully observing or recording the law enforcement activity.

(d) The arrest of any person for interfering with the law enforcement activity shall comply with the Fourth Amendment and be based upon probable cause for a violation of the law. If an arrest or other significant enforcement activity is taken as a result of the interference 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 or the reasons that warnings were not practicable under the totality of the circumstances.

516.5 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 state and federal 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.

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516.6 SEIZING RECORDINGS AS EVIDENCE

Under the federal First Amendment Privacy Protection Act, 42 USC § 2000a, officers shall not seize recording devices or media unless any of the following apply:

1. There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates.
    a. Absent exigency or consent, a search warrant must be sought before viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
2. There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
3. The person consents.
    a. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
    b. If feasible, rather than seizing the recording device, determine if the recording can be uploaded or otherwise electronically transmitted to the officer or a website where the recording can be viewed and preserved.
    c. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable.
4. If the exceptions in 1, 2 or 3 do not apply and it is objectively likely that the recording device contains evidence of a crime which is reasonably necessary for the prosecution of the crime, contact the District Attorney's Office and request they issue a Subpoena Duces Tecum for the recording.

516.7 PRESERVATION OF RECORDINGS

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy. Officers are not to delete or order the deletion of recordings.

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First Amendment Assemblies

517.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

517.2 POLICY

The Gresham Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

517.3 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.

(d) Use excessive force against persons engaged in non-violent demonstrations.

(e) Bar entrance to or exit from a facility or location which is subject of a non-violent civil rights demonstration.

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Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

517.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS
Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

517.4 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 Bureau of Emergency Communications (BOEC), and the assignment of a supervisor should be requested. Additional resources, such as, Mobile Field Force or the Multnomah County Rapid Response Team 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.

517.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

517.5.1 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:

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- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

517.5.2 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.

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(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

517.5.3 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).

517.6 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.

517.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Less Lethal Options, 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

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harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

517.8 ARRESTS

The Gresham 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).

517.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

517.10 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

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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.

517.11 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, Bureau of Emergency Communications (BOEC) records/tapes

(g) Media accounts (print and broadcast media)

517.11.1 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.

517.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

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Body Worn Cameras

518.1 PURPOSE AND SCOPE

(a) Body-worn cameras are a law enforcement tool that can enhance the understanding of interactions between officers and the public. Body-worn cameras (BWC) provide additional documentation of police-public encounters and can be a tool for collecting evidence and maintaining public trust.

(b) The department has adopted the use of body-worn cameras to accomplish several objectives, including:

1. Allow for additional documentation of police-public contacts, encounters, arrests, and critical incidents.
2. Serve as a supplement to and/or enhance the accuracy of officer reports and testimony.
3. Gather evidence for investigative and prosecutorial purposes.
4. To provide additional information for officer evaluation, feedback and training.
5. For Professional Standards review and investigation in resolving citizen complaints and potential civil actions related to the Department.

(c) The Gresham Police Department recognizes that video images from a body-worn camera cannot provide a complete account of an event. Nor do video images capture an entire scene, environmental conditions, surrounding circumstances, or all safety concerns that officers must constantly assess and take into account when deciding upon a given course of action.

(d) The use of body-worn cameras does not reduce the requirement to provide thorough written documentation of an incident.

(e) Persons reviewing recordings must also be cautious before reaching conclusions about what the recordings show.

(f) This policy is intended to provide officers and detectives direction on when and how to use body-worn cameras, as well as guidelines for the operation and management of Digital Media Evidence (DME).

518.2 DEFINITIONS

Body-worn cameras are camera systems designed to be worn by police officers to capture Digital Multimedia Evidence (DME). DME consists of all digital recordings to include but not limited to audio, video, photographs, and their associated metadata. Metadata includes any digital identifiers that are captured as part of the actual recording, such as date/time, GPS coordinates, labeling, etc.

518.3 LEGAL CONSIDERATIONS

(a) Department-owned body-worn camera equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the property

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of the Department and not owned by any vendor and cannot be used by any vendor for any purpose inconsistent with the policies and procedures described herein.

(b) Use of body-worn cameras for any purpose other than in accordance with this policy is prohibited without the written approval of the Chief of Police or his/her designee.

(c) All data, images, video, and metadata captured by body-worn cameras are official records and, as such, are subject to state statutes and City policies regarding retention of records.

(d) As provided for by HB 2571 (2015) Section 1 (1) (c), exceptions described herein to requirements to record are based on privacy protection concerns, exigent circumstances, or the safety of law enforcement or other persons.

(e) As required in HB 2571, BWC's shall not be used in conjunction with facial recognition or other biometric matching technology to analyze the recordings obtained through the use of the camera.

(f) As required by HB 2571, recordings obtained from a BWC shall not be used for any purpose other than a legitimate law enforcement purpose.

518.4 PROCEDURES

(a) Prior to using a body-worn camera, officers shall receive Department-approved training on the proper operation and care and the Department's policy with respect to the use of the body-worn camera. Additional training shall be provided at periodic intervals to ensure the continued effective use of the equipment, proper calibration and performance, and to incorporate changes, updates, case law, or other revisions in policies or equipment.

(b) BWC's and equipment shall be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be assigned. Officers shall inspect and test body-worn cameras prior to each shift to verify proper functioning and shall notify their supervisor of any problems.

(c) In the event that a BWC is lost, upon discovery, the officer shall immediately notify his/her supervisor.

(d) Officers shall wear body-worn cameras at or above the chest-level and in a manner approved by the Department, to produce an effective recording.

(e) Officers shall not use personally-owned body-worn cameras, except with the written approval of the Chief of Police or his/her designee.

(f) Officers assigned a body-worn camera may use the camera at all Department related employment activities, but only in connection with their Department duties. When practical, officers and detectives should download all DME at the end of their on-duty work shift. Exceptions to end-of-shift downloading DME shall be approved by a supervisor.

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(g) Officers shall not download DME from their cameras at their homes. DME should only be downloaded from a department-approved docking station, or department-approved WiFi locations, unless approved by a supervisor.

518.5 OPERATION

(a) Except as otherwise provided in this policy, officers shall activate body-worn cameras to record all contacts with citizens in the performance of official duties, as close as practical to the beginning of an encounter, given the exigency or safety of a given situation. If an officer was unable to begin recording due to safety or exigency, the officer should begin recording as soon as it is safe and practicable to do so.

(b) Detectives may use body-worn cameras at their discretion, except when taking enforcement action or working in uniform. When not working in plain clothes, and/or taking enforcement action, detectives will follow the same guidelines as uniformed personnel.

(c) Officers should announce to individuals that they are being recorded if the announcement can be accomplished without causing jeopardy to the officer or any other person and without unreasonably impairing a criminal investigation.

(d) In locations where individuals have a reasonable expectation of privacy, such as a residence, hospital, counseling center, religious location, etc., citizens may request not to be recorded. Unless officers have received consent from at least one resident of the dwelling to permit BWC operations, or some other legally cognizable warrantless basis exists for the recording, officers should turn off the recording. The request to turn the body-worn camera off should be recorded, as well as the officer's response, and included in the report narrative.

(e) Deactivation of the body-worn camera shall occur when:

1. The officer's participation in the event has terminated or;
2. A citizen being recorded has requested that the officer cease recording, and the cessation of the recording does not compromise the investigation, and the officer believes that the request is due to reasonable privacy protection concerns of the individual.
3. The officer moves into a situation or location covered in section 518.6 (Non-Recording Events)

(f) If an officer fails to activate a body-worn camera, or fails to record the entire contact, the officer shall document the reasons.

(g) Except as set forth in this policy, or as allowed by state or federal law, non-Department personnel shall not be allowed to review the recordings without the written consent of the Chief of Police or designee, such as a Watch Commander.

(h) Except as otherwise provided, officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner body-worn camera images and information. Requests for any of these shall be made through the System Administrator, Chief of Police or the authorized designee. DME can be downloaded under this provision for investigative purposes only.

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(i) When preparing written reports, officers shall have the option to review their uploaded DME as a resource to ensure accuracy and consistency. Members should not use the fact that a recording was made as a reason to write a less detailed report.

(j) When preparing to make or give a statement about their BWC recorded activities and/or testifying in any forum, officers shall have the option to review their uploaded DME as a resource.

(k) In order to protect privacy, pre-event recordings shall be set to no longer than 30 seconds and set to only record video.

518.6 NON-RECORDING EVENTS

BWC's should not be used in the following circumstances:

(a) Casual communications with other police personnel.

(b) Encounters with undercover officers or informants.

(c) When an officer is on break or is otherwise engaged in personal activities.

(d) In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, or break room absent consent from each individual or a legally cognizable warrantless basis to conduct the recording.

(e) While delivering a death notification.

(f) When an officer would be recording a patient during a medical, health care provider or psychological evaluation by a clinician or similar health care professional, or during treatment. When recording in hospitals or other health care facilities, officers should be careful to avoid recording persons other than the victim(s), suspect(s), or witness(es) who are deemed relevant to the matter being investigated by the officer. Consideration should be given to recording only after in a more private area to prevent the accidental recording of uninvolved parties.

(g) Communications made in a psychiatric facility, unless responding to a call involving a suspect who is thought to be present in the facility.

(h) When engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g., spouse, attorney, police peer counselor, labor representative, clergy, health care provider, etc.), nor shall they be required to record any other parties while they are engaged in a privileged conversation (e.g., attorney, clergy, health care worker, victim advocate, etc.).

(i) While attending pre-scheduled community engagement events, such as Coffee with a Cop or Shop with a Cop, officers are not required to record these events. When engaged in non-scheduled community engagements, or community engagements that happen in the course of duty, officers have the discretion as to whether to record these interactions.

(j) Citizen contacts that occur within the courtrooms in the course of official court proceedings.

(k) Routine phone contacts, including dispatched calls that are taken by phone, are not required to be recorded.

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518.6.1 JUVENILES

It is recognized that recordings of juvenile offenders will occur by the use of BWC's when officers are responding to calls for service or during the course of an investigation. If an officer has a need to use BWC recordings of juvenile offenders as part of an investigation, the officer shall comply with state or any other applicable law.

518.7 HANDLING OF DIGITAL MEDIA EVIDENCE

(a) Each file shall be categorized and contain information related to the date, associated case numbers, body-worn camera identifier, and assigned officer at the end of the call. When practical, all files from body-worn cameras shall be securely downloaded no later than the end of the officer's on-duty work shift.

(b) The Records Manager and/or the assigned Police IT Tech will be the Systems Administrator(s) for the data storage system. All access and activity on the data storage system is logged and subject to audit at any time. Access to the data stored in the Department-approved storage medium is permitted on the right to know, need to know, or as set forth in this policy. Personnel authorized under this policy may only view data files according to the provisions of this policy or as designated by the Systems Administrator(s), the Chief of Police, or authorized designee.

(c) All files from body-worn cameras shall be securely stored in accordance with state records retention laws and will be purged after no longer useful for purposes of training, or for use in an investigation or prosecution (including appeals), or for use in resolving a claim or pending litigation, or disciplinary investigation. Consistent with HB 2571, all recordings shall be maintained for no less than 180 days. Recordings which are not related to a court proceeding shall be held no longer than 30 months. Recordings for criminal offenses shall be held in accordance with state record retention laws and no less than the statute of limitations for the underlying most serious criminal offense. Recordings for Ballot Measure 11 offenses shall be held no less than 20 years. Recordings for homicide cases shall be held indefinitely.

(d) It is not the intent of the Department to review DME for the purpose of general performance review or to discover policy violations. Supervisors and Professional Standards personnel and legal representatives of employees subject to Professional Standards investigations may access DME for administrative investigations. Other than periodic supervisory reviews to ensure that equipment is functioning properly, the scope of the review of DME should be limited to the specific complaint against the officer. Inadvertent discovery of other allegations during this review shall require the supervisor to articulate the purpose of expanding the scope, and should be of such a severe nature as to require immediate investigation to maintain public safety and order.

(e) The supervisor(s) and the specific chain of command reviewing individual Use of Force events and Pursuit After-Actions may access DME in these instances.

(f) Recordings from body-worn cameras may be shown for training purposes upon completion of a criminal or administrative case if there is no open tort claim or any other pending civil court action. All such use shall be pursuant to the written authority of the Chief or designee. Officers shall be provided with at least 14 days written notice

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if recordings intended for use for training purposes were either made by them or captured their image or voice.

(g) After a critical incident, when safe and practical to do so, a supervisor shall retrieve the body-worn camera(s) from involved and witness officers at the scene. The supervisor, or investigative personnel, will be responsible for assuring the DME is uploaded. The camera's chain of custody will be preserved and documented in a report. Following an officer-involved shooting, use of deadly force or other critical incident, body-worn camera recordings may only be viewed prior to being uploaded when exigent circumstances exist, such as an officer being injured and in order to obtain identifying suspect information or other pertinent information from the body-worn camera recordings. DME under these exigent circumstances may be reviewed by only those personnel authorized to assist in this investigation.

518.7.1 CRITICAL INCIDENTS INVOLVING USE OF DEADLY FORCE

If the officer is giving a statement about the use of force or if the officer is the subject of a disciplinary investigation, the officer shall have the option and reasonable opportunity (generally no less than 48 hours) to view their DME or witness officer DME which captures the subject officer's voice or actions, in the presence of the officer's legal representative before giving a statement. Records may only be viewed by those personnel authorized in order to assist in an investigation or as authorized by the Chief of Police or authorized designee. Viewing will occur in a secure and private location as determined by the Chief of Police or authorized designee.

For the purposes of this section, "officer" may also include SWAT Medics.

518.8 RETENTION AND DESTRUCTION OF DIGITAL MEDIA EVIDENCE

(a) The retention and destruction of DME shall be pursuant to state public records retention laws. The retention period begins from the date the body-worn camera recording was labeled or categorized. Department administrators, in addition to the recording officer, may label or categorize recordings for retention. Officers will periodically be directed by the System Administrator(s) or designee to label or categorize any DME which had not previously been labeled or categorized.

(b) Pursuant to HB 2571, public records request for BWC footage must identify approximate date and time of an incident for which the recordings are requested and be reasonably tailored to include only that material for which a public interest requires disclosure. Such public records requests will be subject to Records Maintenance and Release Policy 1207.4.2.

(c) Officers shall be provided with written notice of any public requests made to review DME from their body-worn cameras no longer than seven (7) calendar days after the request was submitted to the Police Department or the City of Gresham.

518.9 ACCIDENTAL RECORDINGS

If an officer accidentally initiates a recording and it is not part of an official investigation or otherwise required by this policy, and has no evidentiary value, the officer should notify a supervisor of the recording as soon as practical.

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Accidental recordings inadvertently initiated that have no evidentiary value, and were not otherwise required by this policy, may be deleted by the Chief of Police, lieutenant or authorized designee after confirming the recording meets the conditions of this section. An entry into the log of why the recording was deleted and a brief summary of the contents will be made by the deleting person.

518.10 REVIEW OF POLICY

The Chief of Police or designee will be responsible for review of this policy to occur at a minimum on a yearly basis to ensure compliance with state and federal law and utilization of best practices.

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Chapter 6 - Patrol Operations

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Patrol Function

600.1 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.

600.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of the Gresham Police Department, respond to 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) Directed patrol to prevent criminal acts, traffic violations and collisions, to maintain public order, and to discover hazardous situations or conditions.

(b) Crime prevention activities such as residential inspections, business inspections, community presentation, etc.

(c) To respond to calls for service, both routine and emergency in nature.

(d) The 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 Patrol Operations 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.

600.1.2 TERRORISM

It is the goal of the Gresham 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 shall advise a supervisor as soon as practicable of any information or activity believed to be terrorism related. Officers shall document such incidents with a written report. The supervisor shall ensure that all terrorism related reports are forwarded to the Investigation Division supervisor in a timely fashion.

600.2 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 Gresham Police Department.

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600.2.1 CRIME ANALYSIS
The Department has a Crime Analysis function. Copies of all information and intelligence reports should be provided to the person(s) responsible for this function. This information will be utilized to develop, coordinate and disseminate appropriate products. Criminal information should be submitted to the Records Section for distribution to all appropriate divisions, sections, and/or specifically identified individuals.

600.2.2 INCIDENT REPORTS
An incident report should be completed by any patrol officer who receives criminal or intelligence information. The report should be processed and forwarded to the appropriate division, section and/or specific individual for retention or follow-up. Officers are encouraged to self-assign low level criminal investigations to the originator of the report.

If an officer develops confidential information that would fall under public exemptions law, ORS 192.345, the officer should complete the appropriate form which can be obtained from the Records Division.

600.2.3 ROLL CALL BRIEFINGS
Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible in daily Roll Call and via email.

600.2.4 ROLL CALL CLIPBOARDS
Informational clipboards will be maintained in an area that is frequented by patrol officers and will be available for review by officers from all divisions within the department.

600.2.5 OUTSIDE AGENCIES
Patrol officers and sergeants are encouraged to share appropriate intelligence/information with other local law enforcement agencies through a roll call bulletin or AM Message (Administrative Message). The Records Section can assist in generating and sending the AM Message. Supervisor approval of the roll call bulletin or AM Message must be obtained prior to the information being sent.

600.3 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 activities. 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

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concerns. Supervisors should ensure that parades/public gatherings are in compliance with their permit (if required) and not in violation of Article 8.65.

600.4 UNIFORM PATROL DISTRICTS

Members shall familiarize themselves with their districts. Members shall learn the streets and address system of the city and become thoroughly familiar with all places of public assembly, official buildings, hospitals, and the crime prone areas of their district. Members shall be held to strict accountability for the good order of the district, beat or post to which they may be assigned to duty.

(a) Patrol district assignments will be made by the Patrol Shift Sergeant at roll call.

(b) When a district unit is not available an adjoining district unit will be dispatched.

(c) In addition to the basic patrol districts, special patrol assignments may also be made at the discretion of the Patrol Shift Lieutenant, Patrol Shift Sergeant, or Administrative Sergeant, i.e., canine, traffic, special mission, etc.

(d) Officers will patrol in their assigned areas.

(e) Officers will try to take their meal and rest breaks in their primary district or the district(s) contiguous to it. Officers will obtain approval from a Shift Supervisor to leave the city limits for a meal or rest break.

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Officer Response to Calls

601.1 PURPOSE AND SCOPE

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

601.2 RESPONSE TO CALLS

Officers shall proceed immediately to calls that are of an emergency nature. A code-3 (the use of lights and siren) 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.

In any response, officers should be prepared to articulate their decision to use or not use emergency lights and/or sirens.

All police escorts requiring the use of emergency equipment shall be approved by the Chief of Police.

601.3 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, as soon as possible, notify Bureau of Emergency Communications (BOEC) that continued emergency response is unnecessary.

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

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(b) The location

(c) The reason for the request and type of emergency

(d) The number of units required

601.4 RESPONSIBILITIES OF RESPONDING OFFICER(S)

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

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

601.5 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 field supervisor, Watch Commander, or Bureau of Emergency Communications (BOEC) of the equipment failure so that another unit may be assigned to the emergency response.

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Roll Call Training

602.1 PURPOSE AND SCOPE

Roll Call training is generally conducted before a patrol officer's assigned shift. Roll Call training provides an opportunity for important exchange between employees and supervisors. A supervisor generally conducts Roll Call training; however officers may conduct Roll Call for training purposes with supervisor approval.

Roll Call 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 or changes in existing policies, procedures, special orders and other department directives.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

602.2 PREPARATION OF MATERIALS

The supervisor conducting Roll Call 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.

602.3 RETENTION OF ROLL CALL TRAINING RECORDS

Roll Call training materials, such as a curriculum or summary, shall be forwarded to the Training Unit for inclusion in training records, as appropriate.

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Crime and Disaster Scene Integrity

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime, mass casualty or disaster event.

603.2 POLICY

It is the policy of the Gresham 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.

603.3 SCENE RESPONSIBILITY

The first officer at a disaster scene 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.

603.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order, and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

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603.4.1 MEDIA ACCESS
The on-scene supervisor will identify a staging location for media and request PIO assistance in dealing with the media.

603.5 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 be mitigated or no longer exist. Officers should thereafter conduct their investigation conforming to the current case law in search and seizure. Special care should be used when investigating serious felonies and officers should seek direction from their supervisor. Officers may want to 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.

603.5.1 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.

603.6 INVESTIGATION SUPERVISOR RESPONSIBILITIES

The Investigation supervisor 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.

603.7 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).

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Ride-Alongs

604.1 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 and approval process for the Ride-Along Program.

604.1.1 ELIGIBILITY

The Gresham Police Department Ride-Along Program is offered, but not limited 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:

(a) Being under the age of 16-years

(b) Prior criminal history

(c) Pending criminal action

(d) Pending lawsuit against the Department

(e) Denial by any supervisor

604.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions established by the Office of the Chief of Police.

604.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Watch Commander. The participant will complete a ride-along waiver form. Information requested will include a valid ID or Oregon driver’s license, address, and telephone number. If the participant is under 18-years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Watch Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch 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 will contact the applicant and advise him/her of the denial.

604.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, CVIPs, Chaplains, police applicants, and all others with approval of the Watch Commander.

An effort will be made to ensure that no more than two citizens 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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Ride-along requirements for police cadets are covered in the Police Cadet Program Policy.

604.2.2 SUITABLE ATTIRE
Citizen observers should be clean and appropriately dressed in modest, civilian attire. In the event a citizen observer is wearing inappropriate attire, or has unacceptable personal hygiene, the host officer or on-duty supervisor may cancel the ride-along approval.

604.2.3 PEACE OFFICER RIDE-ALONGS
Off-duty members of this department will not be permitted to ride-along with on-duty officers. Members of other law enforcement agencies can participate in a ride-along with the consent of the on-duty supervisor. 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.

604.2.4 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 Gresham Police Department). The printed inquiry responses will be attached to the request and forwarded to the on-duty Watch Commander who will approve or disapprove the ride-along and schedule the appointment.

604.3 OFFICER'S RESPONSIBILITY
The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service.Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the ride-along waiver shall be returned to the Watch Commander with any comments which may be offered by the officer and forwarded to the senior Administrative Assistant III.

604.4 CONTROL OF RIDE-ALONG
The assigned employee shall maintain control over the ride-along at all times and instruct them in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the officer

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment

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(c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety

(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

(g) Officers with ride-alongs will not become involved as a primary unit in a vehicle pursuit. Assistance to the pursuit should be limited to blocking traffic or laying spike strips

(h) Citizen observers will not operate City equipment unless directed to do so, or in cases of emergency and the officer is unavailable, i.e., officer and/or citizen injury or life-threatening situation

(i) A cumulative maximum of two citizen observers will be authorized to ride along per shift

(j) Citizen observers will be limited to one ride-along in a six-month period. This may be waived by a Watch Commander

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Hazardous Material Response

605.1 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.

605.1.1 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 sensitizers and thereby posing a threat to health when improperly managed. See ORS 453.005(7) for a complete list.

605.2 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) Safely 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, or summon EMS personnel to the scene to 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.

605.3 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 member in the department's exposure form packet (obtained from a supervisor, the Report Writing room, or on the city's intranet) and shall be forwarded via chain-of-command to the Division Commander. 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 packet.

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.

605.3.1 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.

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To ensure the safety of employees, PPE equipment such as gloves and sanitizer are located in both officer's and supervisor's vehicles. Safety items not maintained by the department will be obtained through other departments of the City of Gresham. Police personnel should not use PPE without training, however, an emergency may dictate the usage of such a device if it protects them from injury.

The employee or employee's supervisor if the employee is unable, will complete a Workers Compensation 801 form if an injury or occupational illness is diagnosed ORS 656.265. If an injury is not apparent but exposure to a hazardous substance is possible, the employee will complete an incident report in addition to the Exposure report indicating the circumstances of the event and the potential of an exposure. Follow established Exposure Reporting Protocols via the Exposure Hotline to determine best course of treatment.

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Hostage and Barricade Incidents

606.1 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.

606.1.1 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.

606.2 POLICY

It is the policy of the Gresham 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.

606.3 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.

606.3.1 EMERGENCY COMMUNICATIONS

A supervisor who has probable cause to believe that a hostage is being held may order a telephone company to cut, reroute or divert telephone lines to prevent a suspect from communicating with anyone other than officers or other designated individuals (ORS 165.549).

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606.4 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.

606.4.1 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 containment through establishing an inner and outer perimeter as circumstances require and resources to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the department, such as command officers and the Public Information Officer.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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(k) Establish a command post.

606.4.2 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 contact 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 Crisis 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. Keep in mind the potential of suspects disguising themselves as hostages.

(l) Determine the need for and notify the appropriate persons within and outside the department, such as command officers and the Public Information Officer.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

606.5 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

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and assume the role of Incident Commander until properly relieved. This includes requesting a Special Emergency Response Team (SERT) response, if appropriate.

(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) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(g) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor may direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Bureau of Emergency Communications (BOEC).

(h) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(i) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(j) Debrief personnel and review documentation as appropriate.

606.6 SPECIAL EMERGENCY RESPONSE TEAM RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the SERT Commander, whether to deploy SERT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SERT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for SERT. The Incident Commander and the SERT Commander or the authorized designee shall maintain communications at all times.

606.7 REPORTING

The lead Investigations Detective at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

607.1 PURPOSE AND SCOPE

The purpose of this policy is 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.

607.2 POLICY

It is the policy of the Gresham Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

607.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures. The member receiving the bomb threat should ensure that their immediate supervisor is immediately advised and informed of the details. This will enable the supervisor to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.The supervisor should notify the Watch Commander as soon as possible.

607.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

607.4.1 GRESHAM POLICE DEPARTMENT FACILITY

If the bomb threat is against the Gresham Police Department facility, the on scene supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the police department as supervisor deems appropriate.

607.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Gresham Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander or on scene supervisor deems appropriate.

607.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detection Dog teams. If the

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bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

607.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Gresham, the member receiving the notification should obtain as much information as reasonably possible from the individual reporting the threat, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting police assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that their immediate supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

607.5.1 ASSISTANCE

The supervisor, and Watch Commander if possible, should be notified when police assistance is requested. If the Watch Commander is unavailable, the supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the determination be made to assist or control such an incident, the supervisor will determine:

(a) The appropriate level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

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1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

607.6 FOUND DEVICES

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The Metropolitan Explosive Disposal Unit (MEDU) should be summoned for assistance by telephone not radio broadcast. If the MEDU is unavailable the Oregon State Police Bomb Squad should be requested.

(b) A minimum perimeter of 300 yards should be established around the location of the device when reasonably feasible. An access point should be provided for support personnel.

(c) As much information as is available should be promptly relayed to the shift supervisor, and in turn the Watch 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 200 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 suspected device found.

(h) Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.

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607.7 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.

607.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes.Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

607.7.2 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) Watch Commander

(g) Detectives

(h) Forensic Science Services

(i) Dispatch, who will notify the appropriate federal agencies

607.7.3 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

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reasonably practicable given the available resources and personnel giving consideration to using items such as crime scene tape as a visual barrier.

607.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The on scene supervisor should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be embedded in nearby structures or hanging in trees and bushes.

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Crisis Response and Deployment

608.1 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 response and deployment to a crisis.

608.2 POLICY

The Gresham 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.

608.3 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

608.4 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, breaching 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 their immediate supervisor and waiting for additional assistance (SWAT and/or Crisis Negotiations Team response).

608.5 PLANNING

The Operations Division Captain 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

608.6 TRAINING

The Training Unit should include rapid response to critical incidents in the training plan. This training should address:

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(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues

(b) Communications interoperability with other law enforcement and emergency service agencies

(c) Patrol first-response training, including patrol rifle, breaching 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)

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Immigration Violations

609.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Gresham Police Department relating to immigration and interacting with federal immigration officials.

609.2 POLICY

It is the policy of the Gresham Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

609.3 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 without regard to race, color or national origin in any way that would violate the United States or Oregon Constitutions.

609.4 DETENTIONS

This department does not participate in routine immigration investigation and enforcement activities (ORS 181A.820).

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

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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.

609.4.1 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).

609.5 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.

609.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

609.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state, or local government entity

609.7.1 IMMIGRATION HOLDS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a

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warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

609.7.2 NON-DISCLOSURE OF CERTAIN INFORMATION

Except as required by state or federal law, members should not disclose for the purpose of enforcement of federal immigration laws the following information about a person or his/her known relatives or associates, whether current or otherwise (ORS 180.805):

(a) The person's address

(b) The person's workplace or hours of work

(c) The person's school or school hours

(d) The person's contact information, including telephone number, email address, or social media account information

(e) The identity of known associates or relatives of the person

(f) The date, time, or location of a person's hearings, proceedings, or appointments with the Department that are not matters of public record

609.8 U VISA AND T VISA NON-IMMIGRANT 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)). A law enforcement certification for a U visa may be completed by the Administrative Supervisor in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by the Administrative Supervisor in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the the Administrative Supervisor assigned to oversee the handling of any related case. The Administrative 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.

    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.

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609.8.1 DENIAL OF CERTIFICATION
If certification is denied, the Investigation Division supervisor shall inform the petitioner in writing regarding the reason for the denial as provided in 2019 Oregon Laws, c. 472, § 1. A copy of the notice shall be kept for a minimum of three years and in accordance with the established records retention schedule (2019 Oregon Laws, c. 472, § 1).

609.8.2 TIME FRAME FOR COMPLETION
Except under circumstances where there is good cause for delay, the Administrative 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 (2019 Oregon Laws, c. 472, § 1).

609.8.3 U VISA AND T VISA DOCUMENTATION
The Administrative 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 Administrative supervisor or the authorized designee should ensure that the information collected regarding certification forms is transmitted in a timely manner to the Records Section for annual reporting to the Oregon Criminal Justice Commission.

609.9 TRAINING
The Training Unit 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.

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Emergency Utility Service

610.1 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.

610.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by contacting the Police Records assist desk.

610.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, by contacting the Police Records assist desk.

610.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible, by contacting the Police Records assist desk.

610.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for utility emergencies is maintained by the Records Section.

610.2 TRAFFIC SIGNAL MAINTENANCE

The City of City of Gresham is responsible for maintenance of all traffic signals within the City, other than those maintained by the State of Oregon.

610.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Records Section of the location and problem with the signal. The Records Section staff should make the necessary notification to the proper maintenance agency.

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Aircraft Accidents

611.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

611.1.1 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.

611.2 POLICY

It is the policy of the Gresham Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

611.3 ARRIVAL AT SCENE

Officers who arrive first on scene should address emergent medical issues, if possible. As additional officers arrive, they will be 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) The scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

(e) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(f) Maintain a record of persons who enter the accident site.

(g) Consider implementation of an Incident Command System (ICS).

611.4 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.

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611.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

611.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Medical Examiner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civilian aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

611.7 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.

611.8 DOCUMENTATION

All aircraft accidents occurring within the City of Gresham 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 GPD 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.

611.8.1 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.

  (a) The scene supervisor should ensure the documentation of what was disturbed, including switch/control positions and instrument/gauge readings through reports and/or photos.

  (b) 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.

611.8.2 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.

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611.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should 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.

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Foot Pursuits

612.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness.This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

612.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

612.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, officers should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area.

(b) Canine search.

(c) Saturation of the area with patrol personnel.

(d) Air support.

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(e) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

612.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g., a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) When two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) When pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) When the physical condition of the officer renders them incapable of controlling the suspect if apprehended.

(g) When the officer loses radio contact with the dispatcher or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increases the risk to or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect’s location is no longer known.

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(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

612.4 RESPONSIBILITIES IN FOOT PURSUITS

612.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier.

(b) Location and direction of travel.

(c) Reason for the foot pursuit.

(d) Number of suspects and description.

(e) Whether the suspect is known or believed to be armed.

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officers unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

612.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

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Any officers who are in a position to intercept a fleeing suspect, or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

612.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information necessary to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-foot pursuit activity.

612.5 REPORTING

The initiating officer should complete the appropriate crime/arrest reports documenting, at minimum, the following:

(a) The reason for initiating the foot pursuit.

(b) The identity of involved personnel.

(c) Course and approximate distance of the foot pursuit.

(d) Whether a suspect was apprehended as well as the means and methods used.

  1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(e) Any injuries or property damage.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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Noise Control Enforcement

613.1 PURPOSE AND SCOPE

To establish procedures for ensuring uniformity in the enforcement of the City of Gresham's Noise Control Code and the appropriate state statutes dealing with noise control.

613.2 POLICY

It shall be the policy of the Gresham Police Department to promote compliance with the City of Gresham Noise Control Code 7.20 and applicable state laws through appropriate enforcement actions, including but not limited to warnings, citations and confiscation of the sound producing equipment.

613.2.1 DEFINITIONS

(a) For the definitions of the following terms, refer to GRC Noise Control Code 7.20.030.

1. Plainly Audible Sound is defined as: Unambiguously communicated sound that is:

   (a) spoken speech;

   (b) music; or

   (c) mechanical or electronic noise.

(b) Other defined terms in the code include:

1. Audio or Visual Equipment
2. Noise Sensitive Unit
3. Plainly Audible Sound
4. Premises Open to the Public
5. Public Right-of-Way
6. Residential Party
7. Sound Producing Device
8. Vehicle

613.3 SOUND LEVEL STANDARDS

(a) The City of Gresham Noise Control Code prohibits person from producing a sound which:

1. When measured at or within the boundary of the property on which a noise sensitive unit that is not the source of the sound is located and is plainly audible at any time between 7:00 a.m. and 10:00 p.m. the same day at a distance of at least 100 feet from the source of the sound.
2. Is <u>plainly audible</u> at any time between 10:00 p.m. and 7:00 a.m. the following day:

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(a) within a noise sensitive unit which is not the source of the sound; or,

(b) on a public right-of-way at a distance of 50 feet or more from the source of the sound.

613.4 EXCEPTIONS

(a) The following are exceptions to the Sound Level Standards listed above.

1. Sounds caused by organized athletic or other group activities, when such activities are conducted on property generally used for such purposes, i.e. stadiums, parks, schools, churches, and athletic fields.

(a) This exception does NOT include maintenance preparation of grounds where activities take place.

(b) Sounds caused by emergency work, or by the ordinary and accepted use of emergency equipment, vehicles, and apparatus, regardless of whether such work is performed by a public or private agency, or upon public or private property.

(c) Sounds caused by the use of emergency warning devices and alarm systems.

(d) Sounds regulated by federal law, including but not limited to, sounds caused by railroad, aircraft, or commercially licensed watercraft operation.

(e) Sounds caused by blasting activities when performed under a permit issued by appropriate governmental authorities. These activities are only permissible between the hours of 9:00 a.m. and 4:00 p.m. of the same day, excluding weekends.

(f) Sounds caused by industrial, agricultural, or construction activities during the hours of 7:00 a.m. and 10:00 p.m. of the same day.

(g) Sounds caused by regular vehicular traffic upon premises open to the public.

(h) Sounds caused by domestic tools during the hours of 7:00 a.m. and 10:00 p.m. of the same day.

613.5 PROCEDURE - NON-VEHICULAR (COMMUNITY) NOISE

(a) A member who is dispatched to a community noise complaint shall conduct an investigation to determine if a noise is in violation of the code, including but not limited to:

1. Contact with the complainant if known; and ascertain if this is an ongoing problem.

2. Visual and audible observation of the violation and determination that the sound is plainly audible in violation of the code, or

3. If one is readily available, use a noise measuring device to determine if the sound is in violation of the code.

(a) On a public right-of-way, the designated distance of 100 feet from the source of the sound will be made with a standard measuring device (tape measure, roll-a-tape) whenever possible. The “Plainly Audible” rule

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applies and is sufficient grounds for citation and/or confiscation of the sound-producing device.

4. Contact with and identification of the person(s) in control of the source of the sound.

(b) Upon completion of the investigation, the member shall take appropriate action to ensure discontinuation of the sound, if that sound falls within the parameters of the Noise Control Code by:

1. Verbal warning to the person(s) in control of the source of the sound, advising that person(s) that they are in violation of the Noise Code and that the City has the authority to seize the sound producing equipment; or

2. A civil penalty or formal citation; and/or

3. Confiscation of the source of the sound with citation.

(c) Sec 7.20.030 of the Noise Control Code contains eight (8) basic areas, which define what a sound-producing device is.

(d) If the noise complaint refers to a noise source that does not fall within the scope of the Noise Control Code, the member receiving the complaint will attempt to rectify the problem and/or research the possibility of another agency having control over that problem.

613.6 FORMAL CITATION OF VIOLATION

(a) Civil penalty citations are the preferred citations to be used by Gresham Police Department Officers to enforce the Noise Code.

(b) City code requires a prior verbal or written warning be given before a civil penalty is issued.. It is recommended that officers issue a written Civil Penalty Warning to satisfy this requirement.

(c) If a civil penalty citation is to be issued, it shall be filled out completely. Copies will be distributed as follows:

1. One copy is to be delivered to the violator,

2. One copy is to be delivered to the Finance and Management Services (FMS) Department, and

3. One copy is to be retained in Police records.

613.7 SEIZURE OF SOUND PRODUCING DEVICE OR EQUIPMENT

(a) Upon citing a person for violation of the Noise Control Code, the member issuing the civil penalty citation, or uniform citation may seize the sound-producing device, which was the source of the sound, as evidence.

(b) Seizure of the sound-producing device requires that the member issue a property receipt, and secure the property as evidence according to the below procedures and established property handling procedures.

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(c) The sound-producing device, if seized, shall be held as evidence subject to disposition of the issued citation and determination by the hearings officer whether the sound-producing device shall be returned to the cited person or deemed contraband subject to the code. Current evidence and property handling procedures will apply.

(d) If it is determined that the sound producing device is not needed as evidence for the disposition of the civil penalty citation, it may be returned to the property owner upon request, following property handling procedures.

(e) It is the intent of the Noise Control Code to avoid such seizures except where the person being cited has been repeatedly warned or cited and it is believed that the instrument causing the sound shall likely be used further by the cited person to persist in causing additional violations of this code. The previous citations may, but need not, occur on the same date of the citation that prompts the seizure.

(f) It must be noted on the Property In Custody page, (PIC) that the sound-producing device is evidence of an offense. If the officer is invited into a premise and/or the sound-producing device is in the officer's presence, the officer may thereupon seize that device. All other circumstances will necessitate a search warrant to effect the seizure of the sound-producing device. Current search and seizure laws apply.

613.8 PROCEDURE - VEHICULAR NOISE

(a) A member who has reasonable cause to believe a vehicle is not in compliance with the Noise Control Code ("Plainly Audible" rule applies) or state statute shall:

1. Visually inspect the exhaust system, or the source of the sound, noting deficiencies.
2. If appropriate, issue a Civil Penalty or if using a Uniform Traffic Citation, check the "other violation" box and noting any test results on the citation.
3. If a civil penalty or citation is issued, complete an incident report.

NOTE: Regular vehicular traffic is not a violation of the noise code.

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Community Care Taking

614.1 PURPOSE AND SCOPE

To establish basic criteria for responding to requests for community care-taking services such as the delivery of emergency messages and conducting welfare checks.

614.2 DISCUSSION

While some requests for service received may not be of a strictly law enforcement nature, the Department recognizes that they still constitute a legitimate law enforcement function.

614.3 MESSAGE DELIVERY

(a) Emergency Messages - Delivery of emergency messages may be performed when the situation involves a serious danger to persons or property, or the serious injury or death of a person, and notification would serve the interests of community safety and service. Notification should be in person when possible with proper care that the information given is as complete and accurate as possible. The following procedures shall be followed:

1. Information concerning an emergency message or death message should not be dispatched by radio communication if possible, as these are not secure.
2. In cases of death or serious injury or illness, the officer should make contact in person, and be aware of available support resources such as the Department chaplains, a relative, friend or neighbor of the person being contacted, a Department Community Safety Specialist or other Crime Victim Advocate.
3. The officer may assist the person contacted in obtaining further assistance, support or information.

(b) Non-Emergency Messages – Officers shall decline to deliver messages that are not of an emergency nature, but merely serve as a convenience. However, an officer may deliver messages that may not fall under the direct criteria of “emergency messages” if case load permits and the officer determines that delivery of the message would further the interests of community safety.

614.4 WELFARE CHECKS

(a) Officer may be dispatched to conduct welfare checks in their capacity of community caretakers (ORS 133.033). Welfare checks fall into three basic categories:

1. Prevent Serious Harm – Welfare checks often require the officer to respond to incidents of reportedly suicidal, depressed, or mentally unstable individuals who may pose a threat to themselves or others.
2. To Render Aid – Officers must sometimes force entry into premises to assist the elderly, handicapped, or impaired, to render aid and assist medical personnel. In such instances, the officer should assist in securing the premises at the conclusion of the contact.

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3. To Locate Missing Persons – A person who has not been seen or heard from for an unusual period of time may be the victim of a crime, ill, injured or deceased. The officer should make proper inquiries to establish the location and health of the person.

614.5 PUBLIC UTILITIES AND SERVICES SUPPORT

(a) If a responding officer or supervisor determines that the situation is beyond the ability, scope, training, or equipment of the police to deal with, the officer should request support from the utility or resource most capable of assisting, i.e. Fire Department assistance, street or highway departments, etc.

(b) Procedures – The officer requesting support should, at the minimum:

1. Assess the situation and determine the type and level of support needed.
2. Relay the information, along with the request for support, to the Records Section.
3. Direct or coordinate arrival of support units.
4. Reassess the situation as needed, to determine if further support will be needed.

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Off Road Vehicle (Gator) Operations

615.1 PURPOSE AND SCOPE

To provide instructions and guidance for use, storage, maintenance and repair of the department's specialized off road vehicle, hereinafter referred to as the "Gator."

615.2 PATROL OPERATIONS

(a) Patrol officers and Citizen Volunteers in Policing (CVIP's) will be assigned, on an as needed basis, the use of the Gator for the following activities:

1. Directed patrol on the Springwater and Gresham/Fairview Trails.
2. Directed patrol of Main City Park including the Skate Park.
3. Special events in the downtown core area and at Center for the Arts
4. Special details as assigned by the Chief of Police or his/her designee.

(b) The Gator can only be operated by Gresham Police Officers and CVIP's who have received proper training in the operation and use of the vehicle.

(c) The Gator shall not be operated on public streets, sidewalks, bicycle lanes, or other public areas except to transport the vehicle to and from the area where the detail is to be conducted.

(d) Officers and CVIP's taking the Gator out on directed patrol shall notify and receive approval from the on-duty supervisor prior to using the vehicle.

(e) While patrolling, officers and CVIP's , keeping in mind that there may be pedestrians and bicyclists sharing the same spaces.

(f) The Gator shall not be used to pursue pedestrians, bicyclists or vehicles.

(g) The operator shall not drive on any unmarked or unofficial trails unless approval is obtained from a supervisor or in the event of an emergency.

(h) Patrol officers and CVIP's using the Gator should concentrate on:

1. Interaction with the public
2. High visibility patrol to reduce the fear of crime
3. Patrolling areas not accessible to regular vehicles
4. Crime prevention
5. Safety and educational activities

(i) It is the responsibility of the Gator operator to maintain control of the vehicle at all times.

(j) The Gator is not to be used by CVIP's during hours of darkness unless specifically approved by the Chief of Police or his/her designee. During darkness the lighting on the vehicle shall be activated. During daylight, the amber lights on the vehicle shall be activated.

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(k) In the event of an injury or accident involving the use of the Gator, officers or CVIP's shall immediately notify the on-duty supervisor and complete all applicable reports of the incident.

615.3 UNIFORMS

Officers and CVIP's will wear department issued uniforms while operating the Gator.

615.4 GATOR SECURITY

(a) The Gator will be locked when not attended and the keys will be removed. When practical and while in public, the gator shall be parked in a manner as not to hinder any vehicular, pedestrian or bicycle traffic.

(b) When the Gator is not in use, it shall be stored at the city's building at Main City Park. Members having used the Gator shall ensure the storage facility is properly locked and secure prior to departure.

615.5 MAINTENANCE

(a) The city's Fleet Maintenance department will be responsible for all operational maintenance of the vehicle.

(b) It is the responsibility of the persons using the Gator to ensure it is inspected prior to use and that the interior is kept clean after its use.

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Use of Audio/Video Recorders

615.1 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.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings (see the Mobile Audio Video Policy).

615.2 POLICY

The Gresham 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.

615.3 PRIVACY

All recordings made by personnel acting in their official capacity as members of this department shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with department-issued or personally owned recorders.

615.4 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. Uniformed members should wear the recorder in a conspicuous manner.

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.

When using a recorder, the assigned member shall record his/her name, employee 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.

615.5 ACTIVATION OF THE AUDIO RECORDER

Members should activate the recorder during all enforcement stops and field interrogation situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible.

Oregon law requires members to notify all parties to the conversation that are a recording is being made (ORS 165.543).

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At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

615.5.1 SURREPTITIOUS USE OF THE AUDIO 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 or unless lawfully authorized by the Chief of Police or the authorized designee.

615.6 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 Watch 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 or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

615.7 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 download the file in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

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.

Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

615.7.1 RETENTION REQUIRMENTS
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.

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615.8 RELEASE OF RECORDINGS

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Records Release and Security Policy or for other authorized legitimate department business purposes.

615.9 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, 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, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Release and Security Policy.

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Board-Up of Abandoned and Hazardous Properties

616.1 PURPOSE AND SCOPE

(a) In addition to criminal investigation, law enforcement involves community caretaking functions that are totally separate from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute. Law enforcement has a duty to implement community caretaking functions to keep the peace, to protect people and property from perceived threats, and to render assistance to those in need.

(b) Community caretaking is undertaken to aid those in danger of physical harm, to preserve property, or to create and maintain a feeling of security in the community. The following procedure applies to guide reasonable police intrusions in order to protect life and property or to serve other important community caretaking purposes that are unrelated to criminal investigation.

616.2 STANDARD

(a) Boarding up abandoned and hazardous properties, as described below, aims to prevent further unlawful conduct at the property and improve the security in the neighborhood.

(b) For the purposes of abandoned and hazardous property, pursuant to ORS 133.033, a Gresham police officer is authorized to perform community caretaking functions, which include, but is not limited to the right to enter or remain upon the premises of another if it reasonably appears to be necessary to prevent serious harm to any person or property.

(c) Pursuant to these findings and the authority under the community caretaking doctrine, the Gresham Police Department will board up and secure property determined to be abandoned and hazardous for the primary purpose of:

1. Preventing entry by unauthorized persons,
2. Preventing use of property for illicit activity,
3. Preventing continuing damage to the property,
4. Preventing continuing nuisance to the neighborhood, and
5. Other related negative impacts on the community.

616.3 PROCEDURE

(a) **<u>Abandoned and Hazardous Property - Unoccupied</u>**

1. The City of Gresham Police Department finds that a property is an imminent threat to public health and safety if it is in the following condition (Abandoned and Hazardous Property):

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(a) Vacant or occupied by a person who is not lawfully authorized to occupy the property.

(b) Structure is not secure and substantially unmaintained.

(c) The property is unsafe or in a dangerous condition as shown by the existence of drug paraphernalia, needles, syringes or other illicit drug related items, raw garbage, excessive accumulation of debris, garbage and junk, a fire hazard, or structural instability at the property as also described in the U.S. Department of Justice publication, dated 2012, on Abandoned Buildings and Lots.

(d) There is evidence that the property is being used unlawfully or without permission of the owner.

(e) The property owner cannot be immediately located and surrounding neighbors confirm that the property owner has not occupied the property for an extended period of tim

(b) **Documentation of Status of Property**

1. If an officer determines that the property is abandoned and hazardous as described above, this finding will be documented in a Supplemental Report and include photographs of the interior and exterior of the property. The Supplemental Report and photographs should be placed in a shared interdepartmental file.

(c) **Board-up**

1. If an officer makes a determination that a property is an abandoned and hazardous property, s/he may request Code Compliance request assistance ordering a board-up service to secure and protect the property. The officer will provide Code Compliance with the following information:

   (a) Address

   (b) Number of openings to be boarded up

2. Time and date that board-up is requested

(d) **Costs of Board-up Charged to Property Owner**

1. The board-up of an abandoned and hazardous property may be charged to the property owner pursuant to GRC 7.50.210, Summary Abatement. Code Compliance will assist with the collection of the board-up costs by sending a notice of the board-up costs to the property owner and the costs will become a lien against the property if not paid.

(e) **Board-up of Derelict and Abandoned Properties – Occupied**

1. – If a property is determined to be abandoned and hazardous for unoccupied properties, except it is lawfully occupied or there is uncertainty about whether it is lawfully occupied, proceed as follows:

   (a) Attempt to make contact with the occupants and ask for evidence that they are lawfully permitted to occupy the property;

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(b) Attempt to make contact with the property owner or property owner's agent and any lienholder, and ask whether any one has permission to occupy the property – ; and

(c) After following the previous steps, if property continues to be occupied, refer the information obtained to Code Compliance who will contact the City Attorney, as necessary, to pursue further enforcement action.

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Private Security Surveillance Activity

617.1 PURPOSE AND SCOPE

This directive establishes a consistent guideline for the appropriate reporting and dissemination of information pertaining to reported surveillance activities by private security personnel.

617.2 METHOD OF REPORTING

(a) Individuals employed within the private security sector wishing to report surveillance activity in advance to minimize the potential of police response to citizen reports of their presence, must:

1. Identify themselves in person at the Gresham Police Department by furnishing proper identification including a valid driver's license and identification pertaining to their business firm.
2. Provide a brief summary of the purpose of their surveillance; and
3. Provide appropriate details regarding the date, time, duration, and a location of the surveillance activity along with a full description of any vehicles that may be utilized. Such descriptions will include the make, year, style, color and license plate number.

617.3 RESPONSIBILITY OF MEMBER ACCEPTING INFORMATION (OFFICER OR RECORDS PERSONNEL)

(a) The reporting member will make a CCH and ODL record check on the private investigator, as well as obtaining the registration information and check for possible stolen on the vehicle(s) involved.

(b) The circumstances and the report will be reviewed by a patrol sergeant. Upon approval, the information will be entered into the hazard CAD file via records, consistent with policy 1202.10 to include: HAZARD – (address) – PVT.INV. – (File #) – Gresham Police Department.

617.4 RESPONSIBILITY OF DISPATCHED OFFICER

(a) If an officer is dispatched on a suspicious vehicle or person, and the BOEC dispatcher advises that the subject appears to be connected to a HAZARD entry matching the reported person or vehicle, the assigned officer will request the name, telephone number, and address of the informant. The officer shall attempt to make contact with the informant, preferably by telephone, advising them of the TPS entry and the purpose of the presence of the private investigator.

(b) If suspicious activity is reported that would be beyond the reasonable expectations of merely conducting surveillance, the officer may contact the private investigator to ascertain the details of such activity.

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(c) Nothing in this procedure will prohibit any police officer from investigating suspicious activity of persons, including a private investigator.

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Parks Exclusion & Warnings

618.1 PURPOSE AND SCOPE

(a) Gresham Revised Code 7.10.153, 7.10.155 and 7.10.156 authorizes police officers to exclude from City parks, trails and open spaces, any person who, while in that City park, trail or open space, engages in conduct described in G.O. 9.16.2 (A). GRC 7.10.155 also requires a written warning in some circumstances before exclusion and that a written exclusion notice be given to any excluded person, and that a report be written that substantiates the conduct that led to the warning or exclusion. Police officers will use this procedure to complete an exclusion notice or warning.

(b) The Gresham City Council made a number of changes to the Park Exclusion process contained in the Gresham Revised Code effective May 1, 2018. The Park Exclusion code reflects court opinions in Oregon and elsewhere that excluding a person from a city park can interfere with their free speech rights protected under the Oregon and federal constitutions. When exclusions are issued, it is important that they be issued in accordance with the revisions to GRC 7.10.153, 7.10.155, and 7.10.156, and in accordance with this General Order.

618.2 PROCEDURE

(a) A person who engages in any of the following conduct can be excluded from the city park, trail or open space where that conduct occurred:

1. Conduct is classified as a felony or misdemeanor under the following Chapters of the Oregon Revised Statutes, or is an attempt, solicitation or conspiracy to commit any such felony or misdemeanor defined in ORS:

   (a) Chapter 162 – Offenses Against the State and Public Justice;

   (b) Chapter 163 – Offenses Against Persons;

   (c) Chapter 164 – Offenses Against Property;

   (d) Chapter 165 – Offenses Involving Fraud or Deception;

   (e) Chapter 166 – Offenses Against Public Order; Firearms and Other Weapons;Racketeering;

   (f) Chapter 167 – Offenses Against Public Health, Decency and Animals;

   (g) Chapter 475 – Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors; or

   (h) Chapter 475B – Cannabis Regulations

2. Has resulted in injury to any person or damage to any property; or

3. Constitutes a violation of any of the following provisions of this Code:

   (a) GRC 7.10.040 – Unlawful Discharge of a Firearm

   (b) GRC 7.10.060 – Unlawful Prostitution Procurement Activities; or

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(c) GRC 7.10.070 – Public Indecency;

(d) GRC 7.10.075 – Public Urination or Defecation

(e) GRC 7.10.130 – Public Drinking

(f) GRC 7.10.130 - Park Hours

(g) GRC 7.10.145 – City Park, Trail and Open Space Prohibitions

(h) GRC 7.10.220 – Unlawfully Remaining on Posted City Property

(i) GRC 7.40.015 (2) – Truancy Reduction Imposed

4. To issue an exclusion:

(a) the police officer shall have probable cause to believe that the person is or was engaging in conduct classified as a felony or misdemeanor; or

(b) the police officer reasonably suspects the person was engaging in conduct classified as a violation.

(b) Free Speech. GRC 7.10.156(1) does not authorize the exclusion of any person who is lawfully exercising free speech rights or other rights protected by the Oregon or federal constitutions. However, a person engaged in a protected activity who commits acts that are not protected, and who engages in conduct described in 618.2(a), may be excluded.

(c) Length of exclusions and warnings. An exclusion issued under the provisions of this section will be for:

1. 30 days if the conduct is classified as a violation

2. 90 days if the conduct is classified as a misdemeanor

3. 180 days if the conduct is classified as a felony

(d) Ability to arrest for trespass when excluded person returns. Unless the exclusion has been stayed pending appeal, after a written notice of exclusion has been issued and served, a person who violates that notice and returns to the excluded area may be arrested for criminal trespass.

(e) Requirement to give prior warning and an opportunity to desist.

1. Except as provided in (f), an officer shall give a person engaging in conduct described in 618.2(a), written notice that warns the person of the potential of future exclusions.

2. A warning shall be valid for a period of one year.

(f) No requirement to give warning and an opportunity to desist. No warning or opportunity to desist is required if the person is committing an act that is classified as an offense that:

1. is punishable as a misdemeanor or felony;

2. involves alcohol or a controlled substances, including, but not limited to recreational and medical marijuana;

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3. results in any serious physical injury to a person;
4. results from intentional damage to any property; or
5. the person has been given an oral or written warning, citation, or exclusion notice for the same conduct or other conduct described in the warning, citation, or exclusion in <u>any</u> city park or open space within the prior one year.

(g) <u>Written exclusion notice requirements.</u> A written exclusion notice must be given to any person excluded from a park, trail or open space. The written notice must specify the following:

1. date,
2. length and place of the exclusion.
3. identify the provision of law the person has violated,
4. contain a brief description of the conduct
5. And must be signed by the issuing officer; and
6. inform person of the right to appeal, including time limit and place to submit an appeal.

(h) <u>Sworn Officers should do the following:</u>

1. Fill in all information called for in the blocked areas, including the date, time, and case number.
2. Identify the park, trail or open space where the conduct occurred and the person is receiving the warning/exclusion.
3. Identify if the notice is a Warning or Exclusion
4. Identify the conduct resulting in a warning or exclusion
5. Identify the length of the exclusion if applicable. (See Section C above for details on the length of exclusions.)
6. Sign and date notice of exclusion
7. Issue the pink copy of the exclusion/warning notice to the person along with the hearing procedures and map of excluded area.
8. Complete the affidavit in the Exclusion Notice. Keep in mind that an excluded person may appeal an exclusion to the Hearings Officer. A report shall be completed in a manner that will substantiate the exclusion/warning.
9. The officer shall consider applicable law enforcement action, in addition to a Notice of Exclusion or Warning, when appropriate (i.e.: arrest, citation and other).
10. Submit Notice of Exclusion or Warning, and Affidavit in the Exclusion Notice to Records.

(i) <u>Right to appeal.</u>

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1. An excluded person may request a hearing to have the exclusion rescinded or the period shortened.
2. Written notice of appeal must be filed with the Gresham City Attorney within **10 days** after the exclusion notice is served to the excluded person.

(j) Hearing procedures.

1. Hearings of appeals must be conducted within (10) business days of receipt of the notice of appeal but may be extended if the person excluded so requests.
2. The City has the burden to prove the exclusion is valid by a preponderance of the evidence, and may do so by officer testimony, the officer's written report, or from witness testimony

(k) Right to request a waiver

1. In addition to filing a notice of appeal, an excluded person may apply, in writing, to the City Attorney for a waiver of the exclusion.
2. A request for waiver can be submitted at any time during the exclusion period, but the burden is on the excluded person to show good cause for why the waiver should be granted.
3. The waiver request shall be decided by the Manager or a hearings officer appointed by the City Attorney.
4. The Manager or hearings officer's decision is final.

(l) Exclusions are stayed while an appeal is pending.

1. If an excluded person timely files a written notice of appeal the exclusion is stayed until the appeal is decided.
2. If the exclusion is upheld, the full period of exclusion will run unless the hearings officer decides differently.

(m) Records

1. Complete appropriate data entry. Records will assign a PRS I to all data entry.
2. Records will maintain a data base of persons receiving an exclusion or warning to include the name and DOB of the person warned or excluded, whether or not an appeal or waiver has been filed, the outcome of the appeal or waiver, the location of the warning or exclusion, and the effective dates of the warning or exclusion.
3. Records will respond to requests from Officers with appropriate information from the database.
4. When notified by the City Attorney's Office of a waiver request, Records shall immediately update the database. When notified by the City Attorney's Office that the waiver was or was not granted, Records shall immediately update the database.
5. When notified by the City Attorney's Office of a pending appeal. Records shall immediately update the database.

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6. When notified by the City Attorney's Office that the appeals process has been completed:
7. Records shall remove the person's name from the database if the appeal is upheld.
8. Remove the notice of appeal if the appeal is denied.
9. Update the length of expulsion if changed by the hearings officer.

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Emergency Protection Orders ***Do not confuse with Extreme Risk Protection Order Policy***

619.1 PURPOSE AND SCOPE

(a) To assure uniform issuance of Emergency Protective Orders (See attachment: EPO Form.pdf).

(b) Emergency Protective Order (EPO) – House Bill 2776 passed during the 2015 legislative session and became effective on January 1, 2016. Emergency Protection Orders (EPO) can be applied for by any police officer during certain circumstances. EPOs are only valid for seven days after being signed by a judge and are meant to provide short term and/or immediate protection while the protected person makes immediate safety plans or pursues other long term protection orders offered by the courts.

619.2 DEFINITIONS

(a) Respondent – Individual to whom the EPO is directed

(b) Petitioner – Complainant seeking protection under this law.

(c) EPO – A civil document which may be initiated by a police officer with the petitioner's consent which, if issued by a judge, restrains the respondent from any contact with the protected person.

619.3 PROCEDURE

(a) Obtaining Emergency Protective Orders

1. An officer may apply for an EPO, with the consent of the protected person, under the following circumstances:

   (a) When an officer responds to an incident of domestic violence and the conditions for mandatory arrest under ORS 133.055(2)(a) exist; or

   (b) A person is in immediate danger of abuse by a family or household member and an EPO is necessary to prevent a person from suffering the occurrence or recurrence of abuse.

(b) Applying for the Emergency Protective Order

1. The officer must have the consent of the protected person and then complete the EPO form. The officer should then contact a Circuit Court Judge and present the completed EPO form for his/her review.

2. To get the order issued during normal court working hours the officer may:

   (a) Appear in person at the Multnomah County Court, Trial Court Administration, Room 216 with the "Police Officer's Declaration" portion of the EPO filled out and ask to see a Family Law Judge on rotation to get the EPO issued; or

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(b) Call the Court Administration Office at (503) 988-5014, tell them you have an EPO to present to the Family Law Judge on rotation and then fax or email the EPO to the judge to get the order issued.

3. To get the order issued after hours and on court holidays, call the duty judge at (503) 780-7105. The process is the same as obtaining a search warrant after hours.

(a) Email the EPO in PDF format to Multnomah.Duty.Judge@ojd.state.or.us.

(b) Call the duty judge at the above number.

(c) If the duty judge signs the EPO, make three certified true copies (one for the petitioner, one for the respondent and one for LEDS entry once the respondent has been served).

4. The judge will review the information in the EPO form. If the judge finds that the order is necessary, s/he will issue the order, set the bail amount, and return it to the officer.

5. The order is valid for seven days from the date signed by the judge.

(a) The person served shall be given a certified copy of the EPO and petition.

(b) The certified true copy may be identified by a statement on the paper indicating that the paper is a “true copy of the original.”

(c) In addition, the person certifying must affix their signature under the statement.

(c) Conditions of the Emergency Protective Order

1. The prohibited conduct of the EPO, once signed, is as follows:

(a) Restrain the respondent from contacting the protected person.

(b) Restrain the respondent from intimidating, molesting, interfering with, or menacing the protected person; or attempting to intimidate, molest, interfere, or menace the protected person.

(d) What to do with the Signed Emergency Protective Order

1. The officer will need to make three additional copies of the signed order; before making copies, it is recommended that the officer sign the True Copy Certification in section 9 of the order.

(a) One copy goes to the protected person,

(b) one copy gets served on the suspect/respondent, and

(c) one copy is retained by the Gresham Police Department to immediately be entered into LEDS after the order is served.

2. The Section 9 signature must be on each distributed copy of the order.

3. The original copy of the order is returned to the issuing circuit court after service is made.

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(e) Service of the Signed Emergency Protective Order

1. There is no filing fee, service fee, or hearing fee for the orders.
2. A copy of the order must be personally served on the respondent.
3. The officer making service must fill out the Declaration of Proof of Service section in section 8 of the order.
4. After the EPO has been personally served, the order must immediately, be entered into LEDS.
5. The officer must file the order, with proof of service information filled out, in the issuing circuit court.
6. The officer does not need to appear in front of the judge again and may return the served EPO, with proof of service information filled out, to the Family Law Office, Room 211, or send it through interoffice mail to 101/211/family law.

(f) Unserved Emergency Protective Orders

1. If the officer is unable to serve the order on the respondent after one day, s/he must contact the issuing court and advise that the order has not been served yet.
2. The officer may continue to try to serve the order on the respondent, but the order expires in all cases seven days after it was signed by the judge.
3. The EPO cannot be extended or renewed.

(g) Duration of Emergency Protective Orders

1. An EPO expires seven calendar days from the date the judge signs the order.
2. An EPO remains in effect until the order expires or is terminated by court order.
3. If terminated by court order, the court shall immediately deliver a copy of the termination order to the officer that originally applied for the order.
4. Upon receipt of the termination order, the officer shall promptly cause the EPO to be removed from LEDS.

(h) Enforcement of Emergency Protective Orders

1. EPOs created under HB 2776 are **valid in Oregon only** and will not be entered into NCIC.
2. If the EPO is violated, the respondent must be arrested and taken into custody pursuant to ORS 133.310(3) the same as violation of any other restraining order.
3. A contempt proceeding for the alleged violation must be conducted by the circuit court that issued the order.

(i) Immunity from Liability

1. Section 1, paragraph 10 of HB 276 stipulates that a Police Officer acting in good faith will not be liable in any civil action for applying to or not applying to a circuit court for an ex parte Emergency Protective Order.

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Trespass Procedure for Multi-Family Residential Housing/Person In Charge/Exclusion

620.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the Gresham Police Department's procedure related to the exclusion of non-residents from private or publicly owned multi-family complexes, and to support enforcement of those exclusions through criminal trespass arrests.

620.2 STANDARD

It is the standard of the Gresham Police Department to assist the owners of multi-family housing in curbing behavior by non-residents, which may adversely affect the quality of life for those living in multi-family housing. This disruptive behavior can often be controlled through the Criminal Trespass Laws. There are specific procedures that can be followed by both premises owners and police officers to ensure compliance with the law and successful prosecutions. Many of the procedural functions must be initially completed by the owner prior to the Police Department's involvement. Once in place, these procedures will allow officers to exclude, when authorized, make arrests and successfully prosecute offenders.

620.3 PROCEDURE

(a) **Properties with no GPD "Person In Charge" Agreement**

1. When an officer is called to a property after an exclusion notice has been issued by the Person in Charge of the property to a non-resident, and the excluded person has returned to the property and therefore, probable cause exists for an arrest, the officer may arrest the person for Criminal Trespass.
2. The officer will process the arrest and report in the usual manner and obtain copies of the following documents to attach to their report.
   (a) <u>Notice of Exclusion.</u> A copy of the Notice of Exclusion which was completed by the Person in Charge and given to the excluded person.
3. An arrest should not be made if the responding officer is unable to obtain a copy of the Notice of Exclusion that was issued to the non-resident.

(b) **Properties with GPD "Person In Charge" Agreement**
<u>Excluding Persons</u>

1. After issuing a Notice of Exclusion to the excluded person, copies of the notice shall be delivered to:
   (a) Property Management Office
   (b) Gresham Police Department Records
   (c) Person legally residing at complex who excluded person was visiting, if applicable and available

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2. An officer may issue the Notice of Exclusion in the following manner:
   (a) Officers will exclude subjects based on behavior that violates the Rules of the Community or other established criteria for exclusion.
   (b) The length of exclusion will be based on the egregiousness of the behavior.
   (c) Officers will complete the GPD Notice of Exclusion and document any additional circumstances on the narrative section of the exclusion form.
3. See attachment: GPD NOTICE OF EXCLUSION.pdf
4. When responding to premises where the Gresham Police Department has been designated as a Person in Charge, an officer may use a GPD Notice of Exclusion exclude a non-resident when conduct violates the Rules of the Community or other similar criteria for exclusion.
5. Officers may exclude persons from premises where the Gresham Police Department has been designated as "Person In Charge" in writing by signing a Person In Charge authorization. See attachment: PIC AUTHORIZATION EXAMPLE.pdf

Criminal Trespass

(a) When an officer is called to a property where the Gresham Police Department has been designated as the "Person in Charge," a GPD Notice of Exclusion has been issued to a non-resident, and the excluded person returns to the premises and, therefore, probable cause exists for an arrest for trespass, the officer may arrest the person for Criminal Trespass. The officer will process the arrest and report in the usual manner and do the following:
   (a) Confirm and document in the police report that a "Person in Charge" Agreement is on file with GPD Records.
   (b) Attach a copy of the "Notice of Exclusion" which was filled out by the property owner or a GPD officer and given to the excluded person. Copies of GPD Notices of Exclusion are on file with the property manager or GPD Records.

(b) Prior to arrest, an officer will contact GPD Records to confirm that the Notice of Exclusion has not been protested, which suspends the exclusion until the protest is reviewed. **If a Notice of Exclusion has been protested, an officer shall not make an arrest for trespass until the protest has been reviewed and the exclusion upheld.**

(c) An arrest should not be made if the responding officer is unable to confirm or obtain the Person in Charge Authorization and the Notice of Exclusion.

Protest Process

(a) For persons excluded by a Gresham Police Officer, an opportunity to protest the exclusion is described in the Notice of Exclusion. An excluded person may protest the exclusion by submitting a written protest to the City of Gresham within 10 days from

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the date of the exclusion. The protest will be submitted to an independent reviewing officer to determine the validity of the exclusion.

(b) The officer who issued the exclusion must be available to respond to inquiries from the independent reviewing officer.

(c) If an exclusion is protested, the exclusion is suspended until the independent reviewing officer issues a decision on the protest. **Officers shall not make any arrests for trespass based on the exclusion until and unless the exclusion is upheld by the independent reviewing officer.**

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Bait Vehicle Program

621.1 PURPOSE AND SCOPE

The Department's Bait Vehicle Program provides for a specially equipped automobile to be parked in neighborhoods with a statistically heightened risk of vehicle theft, and to direct uniformed officers to the vehicle when on-board sensors indicate that someone may be attempting to steal the vehicle.

This policy establishes procedures that improves the prospects for a successful apprehension once the sensors have activated, while at the same time minimizing the risk to responding officers and the public.

621.2 POLICY

(a) It is the policy of the Gresham Police Department to interrupt, where possible, auto thefts in progress and to apprehend those responsible for the crime. In doing so the Department seeks to increase the number of arrests and prosecutions for this offense, thereby deterring future offenders and reducing the number of vehicles lost by the public.

(b) It is also the policy of the Gresham Police Department to perform this proactive, tactical mission in a safe and professional manner. Therefore, all personnel responding to a bait vehicle incident shall exercise appropriate caution and shall comply with the provisions of this policy.

621.3 DEFINITIONS

(a) **Bait Vehicle**: An electronically equipped vehicle with a silent alarm, Global Positioning System (GPS), global mapping software, and video equipment. This vehicle is also equipped with disablement features that permit its engine to be turned off from a remote location, and its doors locked so that the occupant suspect(s) can not escape.

(b) **Bait Vehicle Coordinator (BVC)**: The Gresham Police Department Detective/ Sergeant assigned to supervise the program, including record keeping of deployments and custodies.

(c) **Global Positioning System:** An electronic tracking system that continually monitors the bait vehicle's exact geographic location, direction, speed and operating condition.

(d) **Code "Baker Charlie":** The radio code used by BOEC and police officers to identify a bait vehicle incident. In order to protect the operational efficiency and confidentiality of the program, this code shall be used in place of the term "bait car" in all radio transmissions, as well as in any other communications that may be overheard by the general public.

(e) **Pursuit:** An attempt by an officer in an authorized emergency vehicle to apprehend a fleeing motorist who is actively attempting to elude the police by increasing the vehicle's speed and/or by using evasive maneuvers.

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(f) **Bait Vehicle Administrator:** A Gresham Police Department Officer, Detective or Sergeant who is authorized to access the bait vehicle operating system and assign Bait Vehicle Users.

(g) **Bait Vehicle Monitoring Officer:** A Gresham Police Department Officer, Detective or Sergeant responsible for remotely monitoring the bait vehicle via desktop, laptop computer or MDT.

621.4 PROCEDURES

(a) **DEPLOYMENT**

1. The authority to deploy the bait vehicle rests with the Bait Vehicle Coordinator. Deployment authority may be delegated to another Bait Vehicle Administrator or User.
2. Personnel not trained in the use of the bait vehicle shall not attempt to deploy it. Personnel who desire bait vehicle deployment may direct requests to the Bait Vehicle Coordinator.
3. Prior to each separate deployment, the Bait Vehicle Coordinator or his delegate may notify BOEC of the vehicle's location and description. Upon conclusion of the deployment and removal of the vehicle, the Bait Vehicle Coordinator or his delegate may again notify BOEC.

(b) **BAIT VEHICLE COORDINATOR RESPONSIBILITIES**

1. The bait vehicle's silent alarm is set to notify the Bait Vehicle Coordinator and/ or his/her designee via cell phone, pager and/or text message upon an alarm activation
2. Whenever the Bait Vehicle Coordinator or his/her designee receives a bait vehicle alarm activation, that person shall identify the vehicle's geographic location, and where applicable, its speed and direction of travel. The Bait Vehicle Coordinator or his designee shall then:
   A. Respond to the incident/arrest location to ensure proper handling of evidence.
   B. Respond to the Gresham Police Department for interviewing of the suspect(s) arrested pursuant to the bait vehicle activation.
3. The Bait Vehicle Coordinator will determine when it is authorized to conduct changes to the Bait Vehicle's appearance such as paint jobs, tire changes, etc, to keep the identity of the Bait Vehicle hidden.

(c) **MONITORING OFFICER RESPONSIBILITIES**

1. The Monitoring Officer will monitor the status of the bait vehicle's GPS and alarm status using computer software designed for that purpose. At least one officer will be assigned to monitor the bait vehicle at all times it is deployed. A secondary monitoring station may also be maintained in the Gresham Police Department at GPD Records or with another Monitoring Officer. Upon a bait vehicle activation, the Monitoring Officer will:

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A. Broadcast that a “10-57 Baker Charlie” is in progress and give the location and description of the vehicle.

B. Request that BOEC dispatch Patrol Officers to respond.

C. Continually relay updates and additional information to the responding units as the vehicle’s location and/or status changes.

D. Remotely disable the bait vehicle when responding officers are in position and make such a request.

E. Remotely unlock the bait vehicle when responding Officers make such a request, so the arrest(s) can be made.

2. If a critical incident occurs or the Monitoring Officer is dispatched to a call that will require him/her to be away from their patrol car for an extended period of time, and the second Monitoring Officer cannot monitor, the Monitoring Officer shall remotely shutdown the bait vehicle. When the Officer is clear of the call they will “release” the shutdown and return the bait vehicle to service.

A. The patrol supervisor may also order the bait vehicle be shut down in place at any time they feel patrol resources are not able to adequately respond in the event of an activation.

(d) **RECORDS RESPONSIBILITIES**

1. A secondary monitoring station may be maintained in GPD Records. In the event the Monitoring Officer is unable to respond to an activation they will request GPD Records broadcast the activation. Records will:

A. Broadcast that a “10-57 Baker Charlie” is in progress and give the location and description of the vehicle.

B. Request that BOEC dispatch Patrol Officers to respond.

C. Continually relay updates and additional information to the responding units as the vehicle’s location and/or status changes.

D. Remotely disable the bait vehicle when responding officers are in position and make such a request.

E. Remotely unlock the bait vehicle when responding Officers make such a request, so the arrest(s) can be made.

(e) **PATROL RESPONSIBILITIES**

1. The first responding officer to make contact with the bait vehicle shall notify BOEC of its location and state whether or not it is occupied. Generally a Code-3 response is not necessary as the bait vehicle can be tracked via GPS. However, other factors may determine you run code-3. Use sound judgement and reasonableness.

2. **Bait Vehicle – Occupied by Suspect(s)**

A. If the bait vehicle is occupied, the officer shall assess whether activation of the vehicle’s disabling devices is appropriate. Factors to be considered

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during this assessment include the vehicle's speed, traffic conditions, weather conditions, site visibility, and any other factors that may affect officer and civilian safety when the bait vehicle suddenly loses power. Officers should also consider the behavior of the suspect, and identify if the suspect is making evasive maneuvers, furtive movements, or otherwise making it clear they are aware the Police are behind them.

B. If the officer concludes that an immediate disablement of the vehicle would be unsafe, the officer shall follow the vehicle at a discreet distance until such a time that safe disablement can occur.

C. When the officer is ready to conduct a high-risk stop on the vehicle, the officer shall notify the Monitoring Officer to commence disablement. The Monitoring Officer shall then activate the vehicle's disabling mechanisms by remote control.

D. After being notified by The Monitoring Officer the bait vehicle has been disabled; the officer shall activate his emergency equipment, affect a traffic stop, wait for cover units while holding the stop, and arrest the suspect(s) through typical high-risk stop procedures once additional units arrive.

E. Officers shall complete and submit the original crime report on the template "Bait Vehicle Report", located on the "Y" drive under "BAIT CAR NEW 2018", that has been created for bait vehicle activations.

3. **Bait Vehicle – Unoccupied**

A. If the bait vehicle is not occupied when the responding officer makes initial contact, the officer shall attempt to verify whether a crime against the vehicle has been attempted, or whether the alarm signal appears to have been accidental. In most cases this can be accomplished with a drive-by of the vehicle.

B. If the vehicle has not moved from its deployment location and appears undisturbed, the alarm may be presumed to be accidental. The officer shall notify the Monitoring Officer of the findings. The officer may then clear the incident in accordance with normal procedure unless directed to do otherwise. The bait vehicle's silent alarm shall then be reset.

C. However, if it appears that the vehicle has been damaged or otherwise compromised, a shift supervisor may respond and conference with the Bait Vehicle Monitoring Officer. A decision shall be made as to whether the bait vehicle can continue its deployment, and the video evidence will be collected later, or if the bait vehicle deployment must be terminated.

4. **Bait Vehicle – Lost Contact**

A. In the unlikely event that the Bait Vehicle Coordinator, or his/her designee, loses GPS contact with the bait vehicle, and its whereabouts become unknown, a stolen vehicle report shall be written and the vehicle's information shall immediately be entered into LEDS/NCIC by Gresham Police Records.

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B. The reporting Gresham Police Officer shall send out a “Stolen Vehicle Broadcast” alerting neighboring police agencies of the stolen vehicle.

C. In the event of a technical failure such as a computer crash, the Bait Vehicle Coordinator shall contact the Technical Support for Covert Track so they can log in to the Bait Vehicle and provide the location of the unit.

5. **Bait Vehicle – Unable to Locate**

A. The GPS signal can be lost if the vehicle is moved indoors, such as a garage, a shop, or a covered parking area. In the event the GPS signal is lost, the Monitoring Officer will give officers the last known location of the bait vehicle. Once officers arrive at that location and the vehicle is not visible, they should contact Gresham Police Records and request the bait vehicle be immediately entered into LEDS/NCIC as stolen. Once the location of where the stolen vehicle is being secreted is identified, officers should request the Bait Vehicle Coordinator, or his/her designee, to honk the horn. The horn will honk until officers order it stopped.

B. If it is determined the bait vehicle has been secreted on private property, the officer’s should attempt contact and obtain consent to search for the vehicle. If consent cannot be obtained, the Bait Vehicle Coordinator, or his/her designee, shall respond to make application for a Search Warrant.

C. In the event that officers at the scene of a secreted bait vehicle are notified of a trunk alarm, or otherwise have reason to believe the vehicle is being dismantled, officers should consider whether they have exigent circumstances to enter and secure the vehicle.

(f) **VEHICLE RECOVERY**

1. **Vehicle Removal**

A. Following a verified bait vehicle incident, the bait vehicle does not have to be removed from service. Because the suspect’s activity is captured on a Digital Video Recorder (DVR) and given a date and time stamp, the bait video can be immediately re-deployed. The decision to re-deploy or remove the bait vehicle after an incident is at the discretion of the Bait Vehicle Coordinator or his/her designee.

B. If after a verified bait vehicle incident it is determined the bait vehicle must/should be removed, a uniformed officer may drive the vehicle to the station if in the opinion of the Shift Supervisor or Watch Commander doing so will not compromise program confidentiality. However, if the removal is likely to be observed by the public the vehicle shall be towed.

C. In lieu of towing, a plainclothes officer posing as a civilian owner may drive the vehicle, provided that he was not part of the initial police response and is otherwise unrecognizable to the public as a police officer.

2. **Evidence Collection**

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A. The bait vehicle is equipped with a digital recording system that photographs suspects inside the vehicle. The Bait Vehicle Coordinator or designee will and download the video for evidence and courtroom presentation. Collection of the digital evidence may also be completed by Gresham Police evidence technicians.

B. Digital video files are considered evidence. Chain of custody shall be maintained. Copies of the video files shall be made for the DA and discovery to be sent with the case file.

(g) **PURSUIT**

1. It is not necessary to pursue the bait vehicle because of its engine disabling abilities. If the bait vehicle begins to travel at an excessive rate of speed before being located by a patrol unit the Shift Supervisor or Watch Commander may decide to disable the ignition.

2. In the event of a technical failure where the Bait Vehicle can not be disabled and there is a pursuit, officers shall adhere to the Gresham Police Department Pursuit Policy.

(h) **CONFIDENTIALITY**

1. The bait car program is an undercover operation. Accordingly, all personnel shall exercise caution in order to protect its confidentiality.

2. Personnel may discuss the bait car's basic capabilities with the public and may advertise the program as an example of the Department's proactive approach to auto theft enforcement.

3. Employees shall not reveal the vehicle's description, number of vehicles, deployment locations, and/or other information that may compromise the undercover status of the vehicle or enable a suspect to neutralize its alarm and disablement features.

4. Particular care should be exercised when discussing the capabilities of the vehicle with suspects who have been detained during an incident. Except where necessary to process an arrest and initiate prosecution, disclosure of operational information to defendants and/or defense attorneys shall occur only through the formal discovery process administered by the District Attorney's Office.

5. Use of the term "bait car" or "bait vehicle" on the Police radio or in Police reports is strictly prohibited.

(i) **TRAINING**

1. Because the bait vehicle is a standard automobile with no unique driving features, special training is not required to transport the vehicle from one location to another. Any employee with a valid driver's license and authority to operate a basic police cruiser may drive the bait vehicle.

2. However, no employee may set or adjust the vehicle's sensor controls and/or disabling mechanisms unless specifically trained to do so.

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3. The Bait Vehicle Coordinator or his designees shall receive such training from Covert Track at the outset of the program, and shall subsequently train any additional Gresham Police Department personnel to operate those controls and mechanisms.

(j) **REPORTING**

1. Bait Vehicle Users or Monitors shall log deployments of the Bait Vehicle in the “Y Drive” to include duration of deployment, location of deployment, method of dropping off the Bait Vehicle, and whether it was a successful deployment.

2. Bait Vehicle Users or Monitors shall log all custodies in the “Y Drive.”

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Stop Data Collection

622.1 PURPOSE AND SCOPE

(a) The purpose of this procedure is to outline the data collection process on Officer initiated vehicle and pedestrian stops to ensure the following:

1. Any discriminatory or unfair practices which may contribute to over-representation are detected and eliminated; and
2. To assure all of our citizens that their criminal justice system is being administered fairly and equitably.

622.2 DEFINITIONS

(a) **Vehicle Stop** - “Officer-initiated traffic stop” means a detention of a driver of a motor vehicle by a law enforcement officer, not associated with a call for service, for the purpose of investigating a suspected violation of the Oregon Vehicle Code.

(b) **Pedestrian Stop** - “Officer-initiated pedestrian stop” means a detention of a pedestrian by a law enforcement officer, not associated with a call for service, when the detention results in a citation, an arrest or a consensual search of the pedestrian’s body or property. The term does not apply to detentions for routine searches performed at the point of entry to or exit from a controlled area.

622.3 PROCEDURE

(a) Effective July 1, 2018, all Law Enforcement personnel who initiate a stop of a person(s), traffic or pedestrian as defined above, shall complete the STOP Data Collection (SDC) mask.

(b) An SDC mask will be generated on a units’ MDT screen automatically, upon clearing a stop.

(c) The data collection categories shall be as follows (ORS 131.935):

1. Date and time of stop
2. Location of stop
3. Race, ethnicity, age and sex of the pedestrian or operator of a motor vehicle, based on the observations of the law enforcement officer responsible for reporting the stop;
   - A. Race - If not sure, it is the 'best guess' of the officer initiating the stop
   - B. Age - The date of birth or exact age.
4. Nature of and the statutory citation for the traffic violation or other alleged violation that caused the stop to be made (using ORS or City Ordinances); and
5. The disposition of the stop, including whether a warning, citation or summons was issued, whether a search was conducted, the type of search conducted,

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whether anything was found as a result of the search and whether an arrest was made.

(d) No data collected and sent to the state will identify a particular officer or the subject of the stop

(e) Police incident numbers will appear on the stop data form completed by officers. This number is strictly for auditing the stops to make sure forms are being completed and submitted when required.

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Civil Disputes

623.1 PURPOSE AND SCOPE

This policy provides members of the Gresham Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Oregon law.

623.2 POLICY

The Gresham Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this Department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

623.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 20 minutes are warranted.

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623.3.1 CONFLICT OF INTEREST

In the event, an officer is called to respond to a civil dispute to a location which is a financial or business venture of the officer's, or with a subject of whom the officer is in a personal relationship with, as defined in the Standards of Conduct Policy, (property owner, related to parties, etc.). The officer should make reasonable efforts to have another officer respond to the location to avoid the conflict of interest.

623.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

623.4.1 CIVIL STANDBY REQUESTS

(a) If there is a valid restraining order prohibiting the respondent from going to the petitioner 's residence, or having contact with the petitioner, and the respondent needs to get essential personal effects from the petitioner's residence, the respondent may request a civil standby.

(b) Responding members will meet the respondent at a neutral location and confirm with the requestor that there will be a maximum of 20 minutes allowed for the standby. Articles the member is aware are in dispute will not be removed from the residence. The member may advise respondent to seek private legal advice as to the distribution of disputed property.

(c) Members will accompany the respondent to the location. Prior to allowing the respondent inside the location address, members will ascertain if the petitioner will allow the removal of property. If the petitioner is uncooperative, the respondent will be instructed to seek private legal advice and obtain a court order to obtain the desired personal effects, and the respondent will be asked to leave the scene. Respondents who refuse to leave are subject to arrest for violation of the restraining order.

(d) If the petitioner is not present, the member will not allow entry into the residence or the removal of property from the residence or location. The members will instruct the respondent that the restraining order is still in effect and the respondent should leave. The respondent may try again, when the petitioner is present.

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(e) A civil standby is intended only to facilitate the removal of essential personal belongings, which include, but are not limited to, clothing, diapers, medications, Social Security cards, birth certificates and identification. Personal effects belonging to children may be removed, if the respondent has custody of the child/children.

623.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

623.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Chapter 7 - Traffic Operations

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Traffic Function and Responsibility

700.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions, enforce traffic laws, and provide education to the public. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

700.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Gresham 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:

(a) Location

(b) Time

(c) Day

(d) Violation factors

All officers assigned to patrol or traffic enforcement functions should emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officer assigned to the Traffic Unit will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers should 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.

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Traffic Collision Reporting

701.1 PURPOSE AND SCOPE

The Gresham 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.

701.2 RESPONSIBILITY

Responding officers will be responsible for proper investigation and reporting of motor vehicle collisions. Traffic collisions will be documented using the Oregon Police Traffic Crash Report. Officers will receive all changes in the state manual and ensure conformity with this policy.

701.2.1 VEHICULAR CRASH TEAM CALL-OUTS

Criteria for call-outs include but are not limited to:

(a) Fatal or potentially fatal crashes.

(b) Serious injury crashes.

(c) Supervisory request for investigator.

(d) Crashes resulting in felony crimes.

(e) High liability crashes.

701.2.2 VEHICLE CRASH TEAM (VCT) CALL-OUT PROCEDURE

The supervisor shall consult the VCT Sergeant of the details of the incident. If necessary, the VCT Sergeant will contact Records to activate a VCT request for availability. If the Patrol Supervisor is unable to contact the VCT Sergeant, he/she can active VCT. Records shall activate the on-call team for an immediate response to the scene.

701.3 TRAFFIC COLLISION REPORTING

The Records Section will be responsible for monthly reports on traffic collision statistics to be forwarded to the appropriate county and state agencies.

701.4 REPORTING SITUATIONS

701.4.1 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 memorandum may be taken in lieu of a traffic collision report, at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the on-duty supervisor.

Photographs of the collision scene and vehicle damage shall be taken.

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701.4.2 TRAFFIC COLLISIONS INVOLVING DEPARTMENT EMPLOYEES

When an on-duty employee is involved in a minor crash an on-duty traffic investigator shall investigate the crash, if available. If a traffic officer is not available, the sergeant should assign another officer to investigate the crash.

Nothing precludes a lieutenant or greater from requesting an outside agency investigate a crash involving on-duty employees.

It is the responsibility of the involved member to complete and turn in the Oregon DMV Crash Report when appropriate.

701.4.3 TRAFFIC COLLISIONS INVOLVING OTHER CITY EMPLOYEES OR OFFICIALS

The Traffic Lieutenant or Watch Commander may request assistance from the Oregon State Police or other law enforcement agency for the investigation of any traffic collision involving any City of Gresham official or employee where a serious injury or fatality has occurred.

701.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY, ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken in the following cases:

(a) There is a death or injury to any person involved in the collision.

(b) An officer issues a citation for a violation of the Vehicle Code.

(c) The accident is initially reported by a repair shop or garage operator who has received a vehicle involved in a serious accident or exhibiting evidence of having been struck by a bullet (ORS 822.600).

(d) All hit-and-run violations as defined by ORS 811.700 and 811.705.

(e) The collision meets the criteria for operators to submit a State Accident Report to the DMV.

(f) An involved party requests a traffic collision report.

701.4.5 TOWING VEHICLES INVOLVED IN TRAFFIC COLLISIONS

A collision report will be required if a vehicle is damaged in a collision and a tow truck is necessary. Towing of a vehicle from a collision scene at the request of the driver when the vehicle would not otherwise be in need of towing, does not require a traffic collision report under this policy unless the incident meets the criteria in the Vehicle Towing policy.

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Vehicle Towing

702.1 PURPOSE AND SCOPE

This policy provides the procedures for seizing or impounding a vehicle by or at the direction of the Gresham Police Department.

702.2 DEFINITIONS

Abandoned vehicle- A vehicle that has been deserted, relinquished or has one or more of the following existing conditions under GRC 8.030.10:

(a) The vehicle license plate or registration sticker has expired or has been canceled or altered, or the vehicle has a license plate from another vehicle.

(b) The vehicle has no license plate or registration sticker.

(c) The vehicle appears to be inoperative or disabled.

(d) The vehicle appears to be wrecked, partially dismantled or junked including vehicles that lack an engine, transmission, wheel, tire, door, body panel, windshield, window, or any other part or equipment necessary to operate safely on the highways of this state.

Hazardous Vehicle- A vehicle left in a location or condition such as to constitute an immediate threat to public health and safety, the environment, or the safety of vehicular or pedestrian traffic, or in a manner prohibited by GRC 8.30.02

(a) A vehicle to block, impede or interfere with the vision or normal flow of vehicular, bicycle or pedestrian traffic on public or private streets and sidewalks;

(b) A vehicle to pose an immediate danger to the public or environmental safety, such as a vehicle with leaking fluids that are at risk of entering into the public storm drains or causing a hazardous road condition, extreme vandalism, shattered glass, or partially dismantled;

(c) A vehicle to be parked or left standing on a street, public or private parking lot, or other area where immediate access is needed, or could be needed in the event of an emergency, by the fire department or the police department and their respective equipment;

(d) A vehicle to be parked or left standing on a street where snow removal equipment will soon clear the street and removal of the vehicle is reasonably necessary in order to clear the street; or

(e) A vehicle to block or be within 10 feet of a fire hydrant.

702.3 AUTHORITY TO TOW WITHOUT PRIOR NOTICE

Any authorized officer may, without prior notice, order a vehicle towed, when:

(a) The vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic;

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(b) The vehicle is illegally parked in a posted restricted space, zone, or traffic lane where parking is limited to designated classes of vehicles or is prohibited in excess of a designated time period, or during certain hours, or on designated days, or at any time and place the vehicle is interfering or reasonably likely to interfere with the intended use of such a space, zone, or traffic lane;

(c) The vehicle is parked in front of a private mailbox and has been cited within the previous 30 days for violation of GRC 825.010;

(d) The vehicle poses an immediate danger to the public safety;

(e) The vehicle is illegally parked within 10 feet of a fire hydrant.

(f) A police officer reasonably believes that the vehicle is stolen;

(g) A police officer reasonably believes that the vehicle or its contents constitute evidence of any offense, if such towing is reasonably necessary to obtain or preserve such evidence;

(h) The vehicle was in possession of a person taken into custody by a law enforcement officer and no other reasonable disposition of the vehicle is available;

(i) The vehicle is in the possession of a person arrested for any felony traffic offense, as defined by Oregon Revised Statutes.

(j) A police officer has probable cause to believe that the vehicle's operator has committed any of the following offenses

1. Driving uninsured (ORS 806.010);
2. Driving while suspended or revoked (ORS 811.175 or ORS 811.182);
3. Operating a vehicle without driving privileges or in violation of license restrictions (ORS 807.010) and the operator's license has been expired for 60 days or more, or that the operator has not had a valid driver's license within the previous 60 days.
4. Driving while under the influence of intoxicants (ORS 813.010);
5. Fleeing or attempt to elude police officer (ORS 811.540);
6. Speed racing on highway (ORS 811.125); or
7. Reckless driving (ORS 811.140).

(k) A police officer has probable cause to believe that the vehicle has been used or is possessed for the purpose of being used to commit or conceal the commission of one or more of these offenses:

(l) 1. Prostitution (ORS 167.007), Promoting prostitution (ORS 167.012), or Compelling prostitution (ORS 167.017) or any attempt, solicitation or conspiracy of one of these offenses; or

2. Unlawful delivery of imitation controlled substance (ORS 475.991), Unlawful possession, delivery, or manufacture of controlled substance (OR 472.992), Unlawful distribution of controlled substance to minors (ORS 475.995), Unlawful

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manufacture or delivery of controlled substance within 1,000 feet of school (ORS 475.999), or any attempt, solicitation, or conspiracy of one of these offenses.

702.4 RESPONSIBILITIES

The responsibilities of those officers impounding a vehicle are as follows.

702.4.1 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. A hazardous vehicle is defined in GRC 8.05.020. Hazards and obstructions may include vehicles that are parked in a location or condition such as to constitute an immediate threat to public safety, the environment, or the safety of vehicular or pedestrian traffic, or in a manner prohibited by GRC 8.30.020.

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 should not impound a vehicle under this section if the owner or person in control of the vehicle allows a lawful driver, who is present at the scene, to safely move the vehicle to a location that no longer presents a hazard or obstruction. Officers may wait for such a person to arrive but are not required to if the person is not present at the time the officer requests the tow.

When impounding a hazardous or obstructing vehicle, an officer shall issue a citation. Officers impounding a vehicle shall complete a vehicle impound notice. A copy is to be given to the tow truck operator. Additionally, photos should be taken before the vehicle is towed, which should show why the vehicle was a hazard.

Records Section personnel shall promptly enter pertinent data from information supplied by the officer via the radio or in person, in to the LEDS system. All resulting tow letters and LEDS entry paperwork will be scanned in to the corresponding file.

702.4.2 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 Records. When there is no preferred company requested, a company will be selected from the No Preference Towing company list in Records.

If the owner is incapacitated, or for any reason it is necessary for the department to assume responsibility for a vehicle involved in a collision, the officer shall request the Records Section to call a non-preference towing company. The officer will then inventory the contents of the vehicle per the Gresham Revised Code, have the vehicle towed to the tow company's storage lot for safekeeping and complete a Vehicle Impound Form.

702.4.3 DRIVING A NON-CITY VEHICLE

Citizens vehicles should not be driven by police personnel unless it is necessary to move the vehicle a short distance to eliminate a hazard, to prevent the obstruction of a fire hydrant, or to comply with posted signs.

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702.4.4 RECORD'S RESPONSIBILITIES

Upon receiving a request for towing, Records 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, Records 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.

702.4.5 NOTICE TO OWNERS

Once the vehicle is impounded, records personnel shall notify the vehicle's owners, lessors or security interest holders that it was towed. The notification shall be done by certified mail within 48 hours after it has been stored, not including Saturdays, Sundays or holidays. This shall be done in accordance with GRC 8.35.020(2).The notice shall include:

(a) That the vehicle has been taken into custody and towed; the identity of the appropriate towing authority and the statute, ordinance or rule under which the vehicle has been taken into custody and towed.

(b) The location of the vehicle, or the telephone number and address of the authority that will provide that information.

(c) That the vehicle is subject to towing and storage charges, 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 storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority.

702.4.6 UNLAWFULLY PARKED VEHICLES

A vehicle may be impounded under GRC 8.35.010 if it is unlawfully parked, including but not limited to the following circumstances as listed above in 702.3:

(a) On a public or private street in a conspicuously restricted space, zone or traffic lane where parking is limited or prohibited to designated classes of vehicles or periods of time, or at any time when the vehicle interferes with the intended use of such space, zone or traffic lane.

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(b) It obstructs the entrance of any post office or postal station, or is within 10 feet of a private mailbox during the hours of delivery.

(c) It remains in a park after emergency park closure pursuant to GRC 7.10.130(3).

702.4.7 PRE-IMPOUND NOTIFICATION

The Impound Notice will serve as a pre-impound notice of the intent to tow the vehicle per GRC 8.35.020.

The officer responsible for the vehicle tow will make every effort to obtain the registered owner's name and address through the vehicle identification number. If the primary VIN has been removed or the number is illegible, every means to locate a secondary VIN plate will be made. The vehicle will then be checked for stolen. Officers will not rely on license plate numbers to determine if a vehicle is stolen.

Officers will follow the required pre-impound notification as listed in GRC 8.35.020 including:

(a) The officer will place a Notice of Impound in a conspicuous place on the vehicle

(b) The Notice of Impound will contain information to aid the vehicle owner to request a tow hearing

702.5 TOWING SERVICES

The City of Gresham periodically selects tow companies to act as the official tow service and awards contracts to those businesses. These businesses 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

A rotational tow list shall be maintained by Records. The rotational list shall not be deviated from without the prior approval of a supervisor.

Nothing in this policy shall require the department to tow a vehicle.

In no case shall a tow truck, which has not been dispatched, be allowed to take custody of a vehicle, unless circumstances require more immediate action. If a tow truck does not arrive within 30 minutes after an officer's request, the officer may request Records to dispatch a second tow truck.

702.5.1 NO PREFERENCE TOW SERVICES

Upon proper application, the Department may approve qualified towing services to be called when a citizen needs towing but has no preference as to which service to call.

Any complaint alleging a violation of the agreement or other misconduct by a no preference operator shall be referred to the police department for investigation. The department may periodically review the performance of each authorized no preference operator.

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The Department will assist citizens by calling any towing company desired. If the citizen has no preference and requests towing service, one of the authorized tow company shall be called in rotation.

All officers are specifically prohibited from directly or indirectly soliciting for or recommending any garage or tow service.

702.6 IMPOUND AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene. However, the vehicle should be towed and 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 caretaking doctrine reasonably suggest that the vehicle should be towed (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).

In order to limit an intoxicated person's access to vehicles, a police officer shall tow the vehicle driven by a person arrested for DUII, and the department will not release it until 12 hours after the arrest.

While the Oregon Revised Statutes and the Gresham Revised Code may authorize the impoundment of a vehicle for issues such as driving with a suspended or revoked license (ORS 809.720; GRC 8.35.010(1)(h)), 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 towed, 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:

(a) 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.

(b) 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.

(c) Whenever the vehicle is legally parked and otherwise does not need to be towed and the owner requests that it be left at the scene.

In such cases, the arresting officer shall inform the arrestee and note in the report that the department will not be responsible for theft or damages.

In all cases, the arresting officer will note the disposition of the vehicle in his/her report.

702.7 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 or ORS 131A.

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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. 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. However, if the officer is unable to reach the owner or the owner is not able to respond in a reasonable amount of time, a stolen vehicle may be towed. Additionally, officers may tow a vehicle they reasonably believe to be stolen.

702.8 VEHICLE HOLDS

Officers may place a formal hold on an impounded vehicle, if warranted, prohibiting it from being released by the tow company to the owner, possessor, or person having an interest in the vehicle. A formal hold can be placed immediately upon a vehicle being towed, prior to the expiration of a temporary hold or at any time, as long as the vehicle is still in the possession of the tow company.

Formal holds require approval from a supervisor and must be submitted to the Records Section. The investigator requesting a formal hold is responsible for removing the hold.

702.9 VEHICLE INVENTORIES

The contents of all impounded vehicles shall be inventoried in accordance with the GRC 2.82.040 (Inventories of Impounded Vehicles) following procedure:

(a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, the glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.

(b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:

1. Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked glove compartments, unlocked vehicle trunks and unlocked car top containers.

2. Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers, provided the keys are available and are to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.

(c) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following, which shall be opened for inventory: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money or small valuables, or closed containers which are designed for hazardous materials.

(d) Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of $10, valuables or a hazardous material.

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(e) Any valuables, to include cash in excess of $10 or property valued at more than $250, located during the inventory process will be listed on a property receipt and stored in this agency's property/evidence room. However, if the property valued at more than $250 is too large to be moved, affixed to the vehicle or it is otherwise unreasonable to take possession of it for safekeeping, it shall be documented in the officer's report. 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 against fraudulent claims of lost, stolen, or damaged property.

702.10 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, federal, state, local laws, and relevant case law.

702.11 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, officers shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

702.12 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 Gresham Police Department administrative fee and any towing and storage charges.

(d) A security interest holder in the vehicle is not required to comply with (a) and (b) and may obtain release by paying the administrative fee, towing and storage fees.

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Traffic Citations

703.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

703.2 RESPONSIBILITIES

The Court Coordinator shall be responsible for the supply and accounting of all traffic citations issued to employees of this Department.

703.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued, unless the offender complies with program requirements that rate the dismissal of a citation. The court has the authority to dismiss a citation that has been issued, with the exception of traffic educational programs. Programs such as High-Risk Driving School are designed to change a driver's behavior through education when a citation is unnecessary

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation.

703.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All handwritten citations shall be presented to a supervisor to approve the voiding of the citation. Electronic versions can be voided through the MRE system.

703.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer shall re-issue the citation to the recipient if the error is such that it may cause an inappropriate conviction or excessive penalty. Minor errors can be amended in court should the case proceed to trial.

703.6 DISPOSITION OF TRAFFIC CITATIONS

All handwritten copies of an issued citation shall be turned into the Records Division by the issuing officer.

Upon separation from employment with the Gresham Police Department, all employees issued traffic citations books shall return any unused citations to the Services Division.

703.7 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.

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Disabled Vehicles

704.1 PURPOSE AND SCOPE

Public safety, and the Gresham 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.

704.2 POLICY

It is the policy of the Gresham Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

704.3 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

704.4 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

704.4.1 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.

704.4.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

704.4.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

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Impaired Driving

705.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

705.2 POLICY

The Gresham 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.

705.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

Any DUI investigation will be documented using the appropriate forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in Oregon or another jurisdiction.

705.4 FIELD TESTS

Standardized FSTs and any approved alternate tests to be used when investigating violations of DUI laws can be found in Oregon Administrative Rules (OAR) 257-025-0012.

705.5 CHEMICAL TESTS

A person implies consent under Oregon law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (ORS 813.100):

(a) The arresting officer has reasonable grounds to believe that the person was DUI.

(b) The person is arrested for DUI and takes a breath test that discloses a blood alcohol content of less than 0.08 percent (ORS 813.131).

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(c) The person is arrested for DUI and was involved in an accident resulting in injury or property damage (ORS 813.131).

(d) The person is receiving medical care at a health care facility immediately after a motor vehicle accident and the arresting officer has reasonable grounds to believe that the person was DUI.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

705.5.1 BREATH SAMPLES

The Traffic Sergeant should 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.

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 Traffic Sergeant.

705.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (ORS 813.160). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood test because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

705.5.3 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

705.5.4 STATUTORY NOTIFICATIONS

Prior to administering any tests, the person shall be informed of the rights and consequences for DUI and refusals of testing (ORS 813.100; ORS 813.130; ORS 813.135).

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705.5.5 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 Department of Public Safety Standards and Training as having completed the required training in the recognition of drug impaired driving. The officer must also have a reasonable suspicion to believe that the person arrested has been driving under the influence of cannabis, a controlled substance, an inhalant or any combination of cannabis, an inhalant, a controlled substance and intoxicating liquor (ORS 813.131).

The person providing the urine sample shall be given privacy and may not be observed by the officer when providing the sample (ORS 813.131).

705.5.6 ADDITIONAL TESTING
An officer requesting that a person submit to a chemical test shall also provide the person, upon request, with a reasonable opportunity to have a qualified medical professional of their choosing administer an additional chemical test. The test may be of the person's breath or blood if alcohol concentration is an issue or of the person's blood or urine if the presence of cannabis, a controlled substance or an inhalant in the person's body is an issue (ORS 813.150).

705.6 REFUSALS
When an arrestee refuses to provide a chemical sample, officers should:

(a) Advise the arrestee of the requirement to provide a sample (ORS 813.100; ORS 813.130; ORS 813.131; ORS 813.135).

(b) Audio- and/or video-record the admonishment and the response when it is legal and practicable.

(c) Document the refusal in the appropriate report.

705.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL
Upon refusal to submit to a chemical test as required by law, officers shall personally serve the written notice of intent to suspend upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (ORS 813.100).

705.6.2 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 or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

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705.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video when legal and practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force that reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

705.7 ARREST AND INVESTIGATION

705.7.1 OFFICER RESPONSIBILITIES

1) 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):

(a) The completed Implied Consent Form

(b) Any confiscated license or permit belonging to the person

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(c) A copy of the written report that complies with ORS 813.120

2) 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):

(a) The driving privileges of the person were suspended, revoked or canceled at the time the person was arrested.

(b) The person whose license was confiscated was operating on an invalid license.

(c) The person was not entitled to driving privileges at the time of the arrest for any other reason.

(d) The person holds a license or permit granting driving privileges that was issued by another state or jurisdiction and that is not confiscated.

705.7.2 OFFENSE FOR REFUSAL

If a person refuses to submit to a breath or urine test, the arresting officer may charge the person with a separate offense (ORS 813.095).

705.8 RECORDS SECTION RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the District Attorney's office.

705.9 ADMINISTRATIVE HEARINGS

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DMV.

705.10 TRAINING

The Training Unit should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations.

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Citizen Issued Uniform Traffic Complaints (UTC)

706.1 PURPOSE AND SCOPE

Occasionally, police officers are contacted by private citizens who have witnessed a traffic violation and wish to prosecute the violator. This procedure will facilitate prosecution by the citizen.

706.2 PROCEDURE

(a) As in any investigation of a statute violation, officers must ensure that probable cause exists to believe that a violation has occurred and that a particular person committed the offense.

(b) If a citizen complainant provides adequate information to enable successful prosecution and requests to sign a complaint, an officer will:

1. Fill out a UTC in the normal manner, using the defendant's name and address.
2. Leave the spaces for complainant's signature, date of signature, and court date blank.
3. Provide the complainant with the defendant's name and the citation number and instruct them to go to the East County Circuit Court Office at 18480 SE Stark Street, Portland, Oregon, 97233, to sign the complaint. At least 3 business days should be allowed for the citation to reach the court.
4. Attach a report with complainant information briefly detailing the issuance of the citation.
5. Turn in the UTC and the Special Report in the usual manner so it can be forwarded to Circuit Court.

(c) The Circuit Court will mail the defendant his copy of the citation and schedule the court date.

706.3 MAJOR TRAFFIC OFFENSES

(a) Nothing in this procedure is intended to preclude officers from making probable cause arrests of suspects in cases involving a major traffic offense.

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Drug Recognition Experts Program

707.1 PURPOSE AND SCOPE

This general order establishes the procedures for the Drug Recognition Experts "D.R.E." certification, call out procedure for investigations, evaluations, evidence handling and refresher training.

707.2 DEFINITIONS

(a) D.R.E. – an officer who has attended the National Highway Traffic Safety Administration's (N.H.T.S.A.) Drug Evaluation and Classification training. The officer will be certified through the International Association of Chiefs of Police (I.A.C.P.) and will have a federal D.R.E. number assigned to them.

(b) Resume – for the purpose of this program, a resume is a reference guide listing all of the D.R.E.'s up-to-date relevant training, experience, court qualifications and relevant readings and writings in the area of D.R.E.

(c) D.R.E. Log – the D.R.E. rolling log is an up-to-date listing of Examinations done by the D.R.E. The log will contain the following data. (See attachment: DRE Rolling Log.020116.pdf)

1. A control number for the examination
2. The suspect's name
3. The date of the evaluations
4. The D.R.E.'s opinion
5. The State Police toxicological findings
6. The Gresham Police Department's case number

707.3 REQUIREMENTS

Applicants to Oregon Drug Recognition Schools must:

(a) Have at least two years as a sworn peace officer in Oregon and be off probation with their employer. Reserves and corrections officers are excluded;

(b) Have successfully completed the 24-hour Standardized Field Sobriety Testing (SFST) course, Intoxilyzer 8000 and 8-hour Drugs that Impair Driving (DID) course;

(c) Be assigned to patrol;

(d) Have reasonable experience related to impaired-driving and drug-related investigations;

(e) Submit two DUII reports for review;

(f) Submit a written recommendation from a local prosecutor;

(g) Have the recommendation of two area DREs; and,

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(h) A DECP form signed by the candidate's agency head or designee, acknowledging the DRE may be utilized by law enforcement partners.

(i) Selected candidates must successfully complete four phases of training and receive final approval from the DECP State Coordinator prior to certification:

1. DRE Pre-School;
2. DRE School;
3. DRE Field Certifications; and

(j) Comprehensive Final Knowledge Examination.

(See attachment: Oregon DECP Polices Procedures Manual-011316.pdf)

707.4 PROCEDURES

(a) D.R.E. Log and Resume

1. Each certified D.R.E. will be required to maintain a current resume.
2. The D.R.E. log will be maintained and kept by the officer.

(b) D.R.E. Recertification Requirements

1. Following initial certification, a DRE is required to recertify every two years to maintain certification and credentials through the International Association of Chiefs of Police.
2. DREs must be employed as sworn peace officers in the State of Oregon, in either a paid or volunteer capacity. Exceptions to this rule are paid employees of the IACP Drug Evaluation & Classification Program.
3. DREs must perform a minimum of four enforcement evaluations during their two year certification period. Training or "mock" evaluations do not count toward this requirement.
4. At least one evaluation must be eye-witnessed by a certified DRE Instructor. This evaluation may be an enforcement or training evaluation, but training evaluations must be conducted on a live subject under the influence of alcohol and/or drugs.
5. All enforcement and training evaluations shall have complete and detailed reports submitted to the Oregon DECP Office.
6. DREs should have an acceptable level of toxicology confirmation, based on the calculation stipulated in 7.46. The DECP State Coordinator shall consider the limitations of forensic testing when assessing confirmation rates.

(c) D.R.E. De-Certification

1. D.R.E.'s are subject to de-certification from the Gresham Police Department's D.R.E. Program based upon substandard performance, by the recommendation of other D.R.E's in the program, and with the approval of the Chief of Police.
2. Substandard performance includes, but is not limited to the following:

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(a) Improper documentation and reporting

(b) Continued inaccurate evaluations

(c) Incomplete resume documentation

(d) Failing to file or complete accurate file information

3. Federally certified D.R.E.'s are subject to de-certification by the State of Oregon D.R.E. coordinator. In the event that the federally certified D.R.E. is de-certified from the federal D.R.E. program, the officer will automatically be de-certified from the Gresham Police Department's D.R.E. Program.

(d) Assignment and Request for D.R.E. call-outs

1. Assignments

(a) A D.R.E. will be utilized by the Fatal Accident Investigation Team when the on-scene investigator deems one may be necessary.

(b) A current list of certified Gresham Police Department D.R.E's will be maintained in the Records Section of the police department.

(c) The D.R.E. will be called out in situations where the suspected drug impaired driver is available for a full drug influence evaluation.

(d) Request for a D.R.E. response to other than accident investigations will be done at the discretion of the shift supervisor. D.R.E.'s should be utilized whenever their expertise can be used to enhance an on-going investigation.

(e) To most efficiently use the D.R.E.'s, if a D.R.E. is on duty, they should be contacted first by the watch commander or shift supervisor. Attempts to contact on-duty federally certified D.R.E's from the Oregon State Police, Portland Office, Portland Police Bureau or Multnomah County Sheriff's Office should be done prior to calling out a Gresham D.R.E. A current list of federally certified D.R.E.'s is maintained on a poster in the DUII Intoxilyzer room. This will maximize the use of D.R.E's and minimize overtime call back.

707.5 EVIDENCE

(a) When bodily fluid samples are obtained by D.R.E.'s, these items must be handled with great care. When urine samples are collected for toxicological testing, kits provided by the Oregon State Police Crime Laboratory will be utilized. These boxed kits are located in the DUII room in the police department.

(b) In the event the Oregon State Police boxed kits are not available; a specimen cup will be used. The cup will be placed in a heat-sealed bag marked with biohazard stickers. This bag will be sealed twice, then placed inside another heat sealed bag, which has also been sealed twice and marked with biohazard stickers.

(c) A OSP form 49 will be submitted to the OSP lab along with the urine sample. (See attachment: DREForm49.pdf)

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(d) Samples collected will be lodged in the evidence refrigerator in the GPD Report room

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Chapter 8 - Investigation Operations

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Investigation and Prosecution

800.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

800.2 POLICY

It is the policy of the Gresham Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to the District Attorney's office.

800.3 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).

800.4 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.

800.4.1 AUDIO/VIDEO RECORDINGS

When custodial interviews are conducted in a law enforcement facility and 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, electronic recording of the interview is mandatory, absent good cause not to record (ORS 133.400). If an interviewee expresses an unwillingness to have the custodial interview electronically recorded but agrees to speak to investigations without such recording, the interviewing officer or detective should:

(a) Document the refusal in his/her report.

(b) 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 District Attorney's office or Investigation Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for

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authorized and legitimate law enforcement purposes. Electronic recording of a custodial interview 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, shall be preserved until the conclusion of a criminal 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.

800.5 DISCONTINUATION OF INVESTIGATIONS

(a) The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

1. 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.
2. The case has been submitted to the appropriate Deputy District Attorney but no charges have been filed. Further investigation is not reasonable nor has the Deputy District Attorney requested further investigation.
3. The case has been submitted to the appropriate Deputy District Attorney, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
4. Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
5. Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).
6. Lack of investigative resources.

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a Deputy District Attorney.

800.6 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.

800.7 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-

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duty and for purposes related to the mission of the Gresham Police Department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment. Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

800.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information that requires the use of a third party's account or online identifier requires supervisor notification 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.

800.7.2 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.

800.8 MODIFICATION OF CHARGES FILED

Employees are not authorized, without supervisor notification, to recommend to the District Attorney, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the District Attorney's Office or City Attorney's Office only after notification to an immediate supervisor.

800.9 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 to 163.575, may not be required to submit to a polygraph examination as a prerequisite to filing an accusatory pleading (ORS 163.705).

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Sexual Assault Investigations

801.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults and the collection, submission, retention, and destruction of sexual assault kits. 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.

801.1.1 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 comprised of advocates, law enforcement officers, forensic medical examiners, including sexual assault nurse examiners (SANEs) if possible, forensic laboratory personnel and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

Anonymous Kit - A sexual assault forensic evidence kit collected from a victim who either, has not made a decision whether or not to participate in the prosecution of the perpetrator of the sexual assault, or has chosen not to participate in the prosecution of the perpetrator of the sexual assault.

801.2 POLICY

It is the policy of the Gresham Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community. The responding officer will ensure victims receive a "Victim's Rights" card which will explain how to follow up with their investigation.

801.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators will be assigned to these cases by the Persons Crimes Detective Sergeant, and 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.

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(f) Participate in or coordinate with SART or other multidisciplinary investigative teams as applicable (ORS 147.401).

801.4 INVESTIGATION AND 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.

It should be indicated in the report if a victim is either unsure if they would like to participate in the prosecution, or have chosen not to participate in the prosecution. This will affect whether their sexual assault kit will be tested and the victim should be made aware of that.

801.4.1 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Bureau of Emergency Communications (BOEC), 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 SART should be included in the initial victim interviews.

An in-depth, follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change 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.

Victims are often reluctant or embarrassed to discuss details. Recanting or changing one or more aspects of a prior statement is not necessarily an indication of false reporting or that the case is unfounded. If the responding officer has reason to believe the incident may be without merit, he/she should document the evidence and inconsistencies. Due to physical and emotional trauma, and the myths and stereotypes associated with sexual assault, inconsistencies in the victim's report are not uncommon. No opinions of whether the case is unfounded shall be included in the report.

Victims of sexual assault who have had a sexual assault kit collected but wish to remain anonymous and are unsure if they would like to participate in the prosecution or have chosen not to participate in the prosecution, should be informed that this is their right and that they may change their decision at any time and pursue charges. It is the responsibility of the Gresham Police Department to notify the Oregon State Police of the requested reclassification (anonymous to non-anonymous or non-anonymous to anonymous) of any victim sexual assault kit.

801.4.2 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

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ORS 163.575, shall not be required to submit to a polygraph examination as a prerequisite to filing criminal charges (42 USC § 3796gg-8; ORS 163.705).

801.4.3 VICTIM RIGHTS

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy (318 Victim and Witness Assistance Policy). This includes the ability for a victim, or their designated representative, to contact the Detective Sergeant assigned to the Person's Crimes unit and inquire about the status of their case or kit. This type of inquiry will be responded to within 30 days.

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

If the personal representative wishes to inquire on the status of the victim's case on the victim's behalf, a notarized letter signed by the victim must be presented or be on file.

801.4.4 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

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, it is critical to the investigation that a urine sample from the victim be collected by a medical professional.

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 (2016 Oregon Laws, c.89, § 4). Victims who choose not to file a police report may desire to provide an anonymous sexual assault kit. In these circumstances, the sexual assault kit shall be completed and stored in accordance with the Property and Evidence policy.

A sexual assault forensic evidence kit shall be obtained from a medical facility within seven days after the medical facility notifies the Department that the kit has been collected. The sexual assault forensic evidence kit shall be submitted to the Oregon State Police (OSP) for testing within 14 days after the Department receives the kit from the medical facility and accompanied with information sufficient to allow OSP to prioritize testing. Sexual assault kits shall not be submitted in cases where the victim has chosen to remain anonymous (2016 Oregon Laws, c.89, § 4).

The results and the case information should be entered into applicable state and national registries in a timely manner.

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801.4.5 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 Division Sergeant.

Classification of a rape case as unfounded requires 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 to support the recanted information before the case should be determined as unfounded.

It is required that all sexual assault forensic kits, including anonymous kits, be retained for no less than 60 years after it is collected.

801.5 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 Division Sergeant 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.

801.6 TRAINING

Subject to available resources, periodic training will be provided to:

(a) Members who are first responders. Training includes, but is not limited to, the following topics:

1. Initial response to sexual assaults
2. Legal issues
3. Victim advocacy
4. Victim’s response to trauma

(b) Qualified investigators, should receive advanced training on additional topics. Advanced training should include, but is not limited to, the following:

1. Interviewing sexual assault victims
2. SART
3. Medical and legal aspects of sexual assault investigations
4. Serial crimes investigations
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP)
6. Techniques for communicating with victims to minimize trauma

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Missing Persons

802.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

802.1.1 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 their 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 their 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.

802.2 POLICY

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

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reveals otherwise. The Gresham 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.

802.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation Division Supervisor shall ensure the following forms and kits are developed and available:

(a) Missing person report form

(b) Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation

(c) Missing person school notification form

(d) Medical records release form

(e) Biological sample collection kits

802.4 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.

802.5 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 person and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Collect the following information on the missing person:

  (a) Names the person uses, date of birth, physical anomalies, surgical implants and any prosthesis used;

  (b) The blood type and name and address of doctor and dentist;

  (c) Driver license number and Social Security Number;

  (d) Items believed to be in the person's possession;

  (e) Time and place of last known location and identity of anyone believed to be in the company of the person;

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(f) History of prior missing incidents;

(g) Physical and mental condition and medications they may have or may need;

(h) Personal, family history or relationship issues that may be a factor in the absence;

(i) Circumstances that indicate person may be at risk of injury, death or that the disappearance may not be voluntary;

(j) Obtain recent photograph, fingerprints and/or DNA samples (such as hair) if possible;

(k) Attempt to identify the types, account numbers and locations of banks and other financial resources.

(d) 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).

(e) 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 broadcasted as soon as practicable but in no event more than one hour after determining the missing person is under 16 or may be at risk.

(f) Ensure that entries are made into the appropriate missing person networks, as follows:

1. Immediately, when the missing person is at risk.

2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(g) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(h) Collect any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(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.

802.6 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.

802.6.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate, initiating a command post as needed. The reports should be promptly sent to the Records Section.

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The supervisor shall also ensure applicable notifications and public alerts are made and documented and that information has been entered into the appropriate missing person networks.

The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

802.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section receiving member shall include, but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Investigation Division.

(e) Coordinating with the NCIC Terminal Contractor for Oregon to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

802.7 INVESTIGATION DIVISION 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

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days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(g) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(h) Should make appropriate inquiry with the Medical Examiner.

(i) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.

(j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to Oregon State Police and enter the photograph into applicable missing person networks (34 USC § 41308).

(k) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(l) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

802.8 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 Manager shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Entries are made in the applicable missing person networks.

(b) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

(c) 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)).

802.8.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person’s description into the NCIC Unidentified Person File.

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

802.9 CASE CLOSURE

The Investigation Division Supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed located or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Gresham or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

802.10 TRAINING

Subject to available resources, the Training Unit should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Confirming missing status and custody status of minors
3. Evaluating the need for a heightened response
4. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

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(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).

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Death Investigation

803.1 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.

803.1.1 DEFINITIONS

(a) **Long-term care facility:** A permanent facility with inpatient beds, **providing medical services,** including nursing services but excluding surgical procedures; and treatment for two or more unrelated patients. “Long term care facility” includes skilled nursing facilities and intermediate care facilities (ORS 442.015).

(b) **Residential care facility:** A facility that provides residential care in one or more buildings on contiguous properties for six or more socially dependent individuals or individuals with physical disabilities; or for fewer than six socially dependent individuals or individuals with physical disabilities if the purpose of the facility is to serve individuals with co-occurring **behavioral health needs** who are more appropriately served in smaller settings (ORS 443.400(7)).

(c) **Skilled nursing facility:** A facility or a distinct part of a facility, that is primarily engaged in providing to inpatients skilled nursing care and related services for patients who require medical or nursing care, or an institution that provides rehabilitation services for the rehabilitation of individuals who are injured or sick or who have disabilities.

803.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Officers are not authorized to pronounce death. If the death is in question, paramedics shall be called. A supervisor shall be notified in all death investigations.

803.2.1 MEDICAL EXAMINER NOTIFICATION

ORS 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;

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(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; and

(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 should not be disturbed or moved from the position or place of death without permission of the Medical Examiner or Deputy Medical Examiner, and the District Attorney.

A Medical Examiner, Deputy Medical Examiner, or District Attorney, in conjunction with the Gresham Police Department and/or the 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.

The members of the Gresham Police Department will work cooperatively with both the Medical Examiner's Office and the District Attorney's Office in all death investigations.

803.2.2 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.

803.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Medical Examiner’s Office, notification to the next-of-kin of the deceased person shall be made, in person, by an officer assigned to the incident. 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, or Medical Examiner 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.

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803.2.4 DEATH INVESTIGATION

Patrol personnel will respond to all suspicious, accidental or unattended natural deaths. All deaths will be investigated and documented unless the death is natural and attended by a physician, or occurs in a long-term care facility.

When death is under suspicious circumstances as a result of violent criminal acts or suicides, in-custody deaths, or suspicion of foul play, the officer shall:

(a) Immediately request the shift supervisor respond to the scene

(b) The shift supervisor will contact the Investigation's supervisor;

(c) Secure the scene and use caution so as not to disturb any obvious or latent evidence;

(d) If, in the exceptional circumstance of a fire and the deceased's body has to be moved, officers will note the exact place and position of the body as well as any other pertinent information;

(e) Exclude all unauthorized persons from the scene;

(f) Identify witness(es) and if necessary, isolate them from the contact of others;

(g) Obtain the identifying information of witness(es) and obtain initial statements;

(h) During interviews, inquire as to the deceased's medical history, recent state of mind, financial status and persons with whom the deceased has had recent conflict;

(i) The responsibility for the investigation will be assumed by investigating detectives upon their arrival;

(j) If the death appears to be the result of violent criminal acts, in-custody deaths, or foul play, ALL responding officers shall complete and submit their report(s) prior to the end of duty.

(k) If the death appears to be the result of suicide, only the initial responding officer must complete and submit the required report(s) prior to the end of duty.

803.2.5 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.

803.3 DEATH INVESTIGATION CHECKLIST

Pre-Investigation:

(a) Notify supervisor of call;

(b) Contact supervisor after initial review of scene;

(c) Secure scene and separate witnesses;

(d) Request additional officers as needed;

(e) If death appears to be anything other than an obvious natural death, seal the scene and request detectives through your supervisor.

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Mention:

(a) EMS personnel;

(b) Paramedic pronouncing death;

(c) GPD supervisor;

(d) Other GPD officers;

(e) Current physician;

(f) All witnesses/involved at the scene.

Details:

(a) Always take photographs of the scene and lodge into evidence

(b) Known medical history

(c) Recent illness or complaints of discomfort—describe

(d) Medications—list current with reasons for taking

(e) Long-Term Care or Adult foster/care facility—take manager's information

(f) Currently under physicians care—reasons

(g) Who discovered the deceased and when—statement

(h) Who last saw the deceased alive and when-statement

(i) What were the decedent's last observed actions

(j) What did the deceased last say to anyone and when

(k) Your observations of deceased:

1. Position of the body
2. Dress of the body
3. Lividity—nature and location of the body
4. Rigor or absence of rigor
5. Perceived temperature of the body
6. Evidence of trauma or injury
7. Personal effects in place

(l) Observations of the area the deceased was found:

1. Evidence of struggle or violence
2. Environmental conditions
3. Private or public area
4. If private, check security-unlocked doors, windows, signs of forced entry
5. Anything out of place in the outside perimeter of the location

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803.4 LONG-TERM CARE FACILITY

Under normal circumstances, when death occurs in a long-term care facility, the officer will NOT respond unless specifically dispatched to do so. However, in the event that an officer is dispatched to a call at a long-term care facility, procedures as outlined below shall be followed.

When death is from natural causes while in long-term care the officer shall:

(a) Notify the shift supervisor of the nature of the call;

(b) Immediately notify the Medical Examiner's office and make contact with the on-duty Medical Examiner (the Medical Examiner will either respond to the scene or authorize the release of the remains to a mortuary)

(c) If there is evidence the deceased was terminally ill and under a physicians care, enrolled in a hospice program or they provided written medical directives to survivors indicating "DNR" (Do Not Resuscitate), and circumstances are consistent with that information, the officer should not investigate further;

(d) If there is indication that a DNR or other advanced directive exists, the officer shall confirm existence prior to departing the scene.

(e) The deceased should NOT be left unattended; therefore, officers shall remain on-scene until the arrival of the Medical Examiner or officials from the designated mortuary.

(f) If the deceased is left in the care of a family member, care provider or other person in charge, and if authorized by the Medical Examiner, officers may leave the scene prior to the arrival of the Medical Examiner or mortuary officials.

(g) This information, to include the name of the person remaining with the deceased, shall be included in the officer's report.

(h) The responding officer shall complete and submit all report(s) prior to the end of duty.

803.5 ACCIDENTAL AND WORKPLACE DEATHS

(a) Accidental deaths will be evaluated on a case-by-case basis with the on-duty supervisor to determine if detectives should respond.

(b) Workplace deaths, due to accident, require investigation, by statute. Occupational Safety and Health Administration (OSHA) representatives shall be notified as soon as possible (coordinated with, or completed by the Medical Examiner).

(c) The responding officer shall complete and submit all report(s) prior to the end of duty.

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Identity Theft

804.1 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's own use the personal identification of another person (ORS 165.800). This policy is intended to provide guidelines for the reporting and investigation of such crimes.

804.2 REPORTING

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 the Gresham Police Department.

For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

(a) 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 refer the victim to the appropriate agency.

(b) 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.)

(c) 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.

(d) Upon taking the report, an officer should refer the report to the appropriate jurisdiction.

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Victim and Witness Assistance

805.1 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.

805.2 POLICY

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

805.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Gresham 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 witnesses.

805.4 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 them to the proper written department material or available victim resources.

805.4.1 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).

805.5 VICTIM INFORMATION

Police administrative staff shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence, i.e., 2-1-1

(b) Community resources for victims of sexual assault, e.g., DA's Rape Victim Advocate Program

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (34 USC § 10441)

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(d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety

(e) A clear explanation of relevant court orders and how they can be obtained

(f) Information regarding available compensation for qualifying victims of crime

(g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail. This information is provided by the jail

(h) Notice regarding U-Visa and T-Visa application processes

(i) Resources available for victims of identity theft, e.g., www.idtheftcenter.org

(j) A place for the officer's name, badge number and any applicable case or incident number

(k) A statement of legal rights and remedies available to victims of abuse, as required by ORS 133.055

(l) Information about the Address Confidentiality Program. This program is from the Oregon Department of Justice, Crime Victims' Services Division for victims of domestic violence, sexual offenses, stalking or human trafficking (ORS 192.826)

805.6 WITNESSES

Officers should never guarantee a witness’ safety from future harm or that their identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Stalking

806.1 PURPOSE AND SCOPE

This policy establishes procedures for the investigation and enforcement of stalking complaints (ORS 163.730 et seq.).

806.2 POLICY

Stalking behavior frequently results in serious injury and emotional trauma to victims and it is the policy of the Gresham 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.

806.3 UNIFORM STALKING COMPLAINT

The Gresham Police Department will make available an Oregon Uniform Stalking Complaint form to any person desiring to file a stalking complaint regardless of where the violation is alleged to have occurred. Officers will provide reasonable assistance as necessary to petitioners to properly complete and sign the form.

Upon receipt of a Uniform Stalking Complaint, officers shall complete a thorough investigation. All stalking incident reports and the results of any investigation shall be forwarded to the District Attorney's Office within three days, regardless of whether any civil or criminal action was taken (ORS 163.744; ORS 163.738(7)).

806.4 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).

806.4.1 SERVICE OF STALKING CITATIONS

If a 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.

(c) If there is probable cause to issue a citation, but the citation is not served, officers should:

1. Document attempts to serve the respondent.
2. Refer the victim to the following for assistance in obtaining civil Stalking Protective Order:
   (a) A private attorney
   (b) Legal Aid
   (c) The District Attorney's Victim's Assistance Unit

806.5 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.

806.5.1 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).

806.6 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.

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Hate Crimes

807.1 PURPOSE AND SCOPE

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

807.1.1 DEFINITIONS

Definitions related to this policy include:

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

807.2 CRIMINAL STATUTES THAT MAY BE RELATED TO HATE CRIMES

For the purpose of this policy, the following statutes may apply:

(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; ORS 163.452 to ORS 163.454)

(l) Stalking (ORS 163.732)

(m) Any degree of Robbery (ORS 164.395 to ORS 164.415)

(n) Any degree of Arson (ORS 164.315 to ORS 163.325)

(o) Criminal mistreatment (ORS 163.200 to ORS 163.205)

(p) Involuntary Servitude (ORS 163.263)

807.3 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, the Gresham Police Department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by among other things:

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(a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks

(b) Providing victim assistance and follow-up as outlined below, including community follow-up

807.4 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Officer(s) will be promptly assigned to 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 practical

(c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved

(d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime

(e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation

(f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All reports and related reports will be clearly marked as "Hate Crimes" in the crime classification section and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift

(g) The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations

(h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further

807.4.1 INVESTIGATION DIVISION RESPONSIBILITY

If a case is assigned to the Investigation Division, the assigned detective will be responsible for following up on the reported hate crime as follows:

(a) Coordinate further investigation with the District Attorney's Office and other law enforcement agencies, as appropriate

(b) Maintain contact with the victim(s) and other involved individuals as needed

Statistical data on suspected hate crimes will be maintained by the Office of the Chief of Police

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807.5 TRAINING

All members of the Gresham Police Department will receive periodic Department of Public Safety Standards and Training-approved training on hate crime recognition and investigation.

807.6 POLICY

The Gresham Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

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Eyewitness Identification

808.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of the Gresham Police Department employ eyewitness identification techniques.

808.1.1 DEFINITIONS

Definitions related to the policy include:

Blind Presentation – The presenter does not know who the suspect is; this is also known as double-blind presentation.

Blinded Presentation – The equivalent of a blind presentation; used when the presenter knows who the suspect is. To be conducted so that the presenter does not know which photograph is being presented to the witness.

Confidence Statement – A witness's statement about the pick the witness made and of his or her confidence in that pick; taken immediately after a pick has been made.

Eyewitness identification process - Any field identification 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.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

Presenter – The officer presenting a lineup.

Sequential – A presentation of photographs in a photo line-up one at a time, retrieving one photo before presenting another.

Show-up – A presentation to a witness of a live person in the field that is close in time and proximity to the incident under investigation.

Simultaneous - A presentation at the same time of photographs in a photo line-up arrayed together, either manually constructed or computer generated.

808.2 POLICY

The Gresham 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.

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808.3 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.

808.4 EYEWITNESS IDENTIFICATION FORM

The Investigation Division 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 and any related forms or reports should provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An admonishment that the suspect's photograph may or may not be among those presented and that the witness is not obligated to make an identification.

(f) An admonishment to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(g) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

The process and related forms should be reviewed at least annually and modified when necessary.

808.5 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 connected to the case. Members should avoid mentioning that:

(a) The individual was apprehended near the crime scene.

(b) The evidence points to the individual as the suspect.

(c) 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.

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Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

808.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

808.7 PHOTOGRAPHIC 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. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup. Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

808.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo 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 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.

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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.

(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 document the contact information for any additional witnesses for follow up, if necessary.

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Public Alerts

809.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

809.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations, social media and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

809.3 RESPONSIBILITIES

809.3.1 EMPLOYEE RESPONSIBILITIES

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

809.3.2 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 Watch Commander, the Public Information Officer, and if appropriate the Investigative Supervisor as soon as practicable. If reasonable, the Chief of Police shall also be notified prior to a public release.

The Incident Commander is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

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Criminal Intelligence Systems

810.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Gresham Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

810.1.1 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.

810.2 POLICY

The Gresham 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.

810.3 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.

810.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, street checks, 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 Section. Any

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supporting documentation for an entry shall be retained by the Records Section 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 Section are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

810.4 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.

810.4.1 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 Section or Property and Evidence Section, but should be copies of, or references to, retained documents, such as copies of reports, Field Contact Report forms, Bureau of Emergency Communications (BOEC) 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.

810.4.2 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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810.5 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 Training Unit to train members to identify information that may be particularly relevant for inclusion.

810.6 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.

810.7 CRIMINAL STREET GANGS

The Gang 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.

810.8 TRAINING

The Training Unit 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 multi-agency criminal intelligence system.

(c) Submission of information into a multi-agency 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.

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Operations Planning and Deconfliction

811.1 PURPOSE AND SCOPE

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

811.1.1 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.

811.2 POLICY

It is the policy of the Gresham 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.

811.3 RISK ASSESSMENT

The Operations 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 Division Commander will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The commander will also have the responsibility for overseeing operations that are categorized as high risk.

811.3.1 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:

(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.

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(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 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).

811.3.2 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 Commander.

The supervisor and 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.

811.3.3 HIGH-RISK OPERATIONS

If the Operations Commander, after consultation with the involved supervisor, determines that the operation is high risk, the commander is responsible to ensure the following tasks are completed:

(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:

  (a) East Metro Special Weapons and Tactics Team

  (b) Additional personnel

  (c) Outside agency assistance

  (d) Special equipment

  (e) Medical personnel

  (f) Additional surveillance

  (g) Canines

  (h) Property and Evidence Section or analytical personnel to assist with cataloging seizures

  (i) Forensic specialists

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(j) 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) Manage the actual operation.

811.4 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 24 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.

811.5 OPERATIONS PLAN

The Operations 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, 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

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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.

811.5.1 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.

811.6 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 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.

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(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel assigned duties that include property search responsibilities shall be briefed on the contents of the search warrant. Any items to be seized should be identified at the briefing.

(c) The operations commander shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the operations commander 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 commander to ensure that Bureau of Emergency Communications (BOEC) 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 Bureau of Emergency Communications (BOEC), 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.

811.7 SERT PARTICIPATION

If the Operations Commander determines that SERT participation is appropriate, the Division Commander shall seek approval to use SERT from the Chief. Upon approval, the requesting Division Commander and SERT Lieutenant shall be responsible to ensure a written plan is completed. Once the plan is approved, the Operations Commander or designee 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 SERT Lieutenant shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

811.8 MEDIA ACCESS

No advanced 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.

811.9 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 SERT debriefing.

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811.10 TRAINING

The Training Unit should ensure officers and SERT members 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.

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Asset Forfeiture

812.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

812.1.1 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):

(a) Containers for controlled substances and related compounds, etc.

(b) Conveyances, including but not limited to aircraft, vehicles, and vessels to transport, sell, conceal controlled substances.

(c) Proceeds from prohibited conduct or money, deposits or other things of value used to facilitate prohibited conduct.

(d) Real property or interest in real property.

(e) Weapons possessed or used.

(f) Property used for attempts to commit prohibited conduct, solicitations to commit prohibited conduct and conspiracies.

(g) 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):

(a) Containers for controlled substances and related compounds, etc.

(b) Conveyances, including aircraft, vehicles, and vessels to transport, sell, conceal, etc. controlled substances.

(c) Proceeds from prohibited conduct or money, deposits, or other things of value used to facilitate prohibited conduct.

(d) Real property or interest in real property.

(e) Weapons possessed or used.

(f) Property used for attempts to commit prohibited conduct, solicitations to commit prohibited conduct, and conspiracies.

(g) 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 Gresham Police Department seizes property for forfeiture or when the Gresham Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Prohibited conduct - In the context of criminal forfeiture, refers to a felony or a Class A misdemeanor for purposes of proceeds and the many crimes listed in ORS 131.602 for purposes of instrumentalities (ORS 131.550).

Prohibited conduct in the context of civil forfeiture refers to any of the following (ORS 131A.005):

(a) 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).

(b) Crimes involving violation of, or solicitation, attempt, or conspiracy to violate ORS 475B.337, ORS 475B.341, ORS 475B.346, or ORS 475B.349.

(c) Violation of, or solicitation, attempt or conspiracy to violate ORS 475B.227.

(d) Involuntary servitude or compelling prostitution (ORS 163.263; ORS 163.264; ORS 163.266; ORS 167.017).

(e) 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.

812.1.2 PROPERTY SUBJECT TO SEIZURE FOR EVIDENTIARY PURPOSES

Officers may seize all items listed below:

(a) All controlled substances that have been manufactured, distributed, dispensed, possessed or acquired in the course of prohibited conduct may be seized for evidentiary purposes.

(b) All raw materials, products and equipment of any kind that are used, intended for use in providing, manufacturing, compounding, processing, delivering, importing or exporting any service or substance in the course of prohibited conduct may be seized for evidentiary purposes.

(c) All property that is used, or intended for use as a container for property described under subsection 813.1.3 may be seized subject to forfeiture.

(d) All books, records, computers and research including formulae, microfilm, tapes and data which are used or intended for use to facilitate prohibited conduct in any manner may be seized for evidentiary purposes.

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(e) All weapons possessed, used or available for use in any manner to facilitate conduct giving rise to forfeiture may be seized for evidentiary purposes.

812.1.3 PROPERTY SUBJECT TO SEIZURE AND/OR FORFEITURE (ORS 131A.020)
Seized property intended for forfeiture must have a minimum value of $1500. The following are examples of property that may be subject to seizure and/or forfeiture:

(a) All moneys, negotiable instruments, balances in deposit or other accounts, securities or other things of value furnished or intended to be furnished by any person in the course of prohibited conduct; all proceeds of or from prohibited conduct, and all moneys, negotiable instruments, balances in deposits and other accounts and securities used or intended to be used to facilitate any prohibited conduct may be seized subject to forfeiture.

(b) All conveyances including aircraft, vehicles or vessels which are used, or intended for use, to transport in any manner facilitate the transportation, sale, receipt, possession or concealment of property described above may be seized subject to forfeiture.

812.2 POLICY

The Gresham 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 Gresham 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.

812.3 FORFEITURE ANALYST

The position of Department Forfeiture Analyst and alternate will be assigned by the Investigation Division Commander.

The Forfeiture Analyst will:

(a) Maintain a file of all assets seized for forfeiture, including filing deadlines; this file should consist of a complete description of all property seized and its location.

(b) Serve copy of Notice of Forfeiture form to all persons, or lien holders having an interest in the property seized.

(c) Re-serve persons when the Notice of Forfeiture from is filled out improperly or incomplete.

(d) Determine the true value of property seized.

(e) Provide copy of reports, receipts and photos of all property seized for forfeiture to the Forfeiture Counsel as soon as possible, but not more than seven days of issuing a Notice of Forfeiture.

(f) The Forfeiture Analyst may, within 21 days of seizure, upon notification of the Forfeiture Counsel, release the property to the person from who custody or control

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the property was taken. If more than 21 days have elapsed since seizure, then the property shall not be released unless the Forfeiture Analyst or Forfeiture Counsel notifies all parties known to have an interest in the property of intent to release the property to the person from whom it was seized. The Gresham Police Department shall not be liable to any other person for such release.

(g) The Forfeiture Analyst shall take cash seized for forfeiture, together with all cash received from the sale, leasing, renting, or operation of the property, and immediately deposit it in the City of Gresham's insured interest bearing forfeiture trust account or accounts maintained exclusively for this purpose. Cash may be retained as evidence in a criminal proceeding but shall be deposited immediately when the need to retain it as evidence is discharged.

(h) The Forfeiture Analyst or designee will be responsible to compile reports as required by the Asset Forfeiture Oversight Advisory Committee.

812.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

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.

812.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section supervisor is responsible for ensuring compliance with the following:

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(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.

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Confidential Informants

813.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Gresham Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

813.2 INFORMANT FILE SYSTEM

The Special Enforcement Team (SET) Sergeant or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

813.2.1 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 SET Sergeant or the EMGET Sergeant 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 correction client, juvenile, or defendant.

(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.

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(q) An audit of informants shall be performed every two (2) years.

The informant files shall be maintained in a secure area as designated by the SET Sergeant. 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 and officers or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police and the SET Sergeant.

813.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the SET or EMGET Sergeant. 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.

813.3.1 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.

813.4 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 a supervisor before being finalized with the confidential informant.

813.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Gresham 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 Gresham 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 Sergeant.

(b) Identities of informants shall otherwise be kept confidential.

(c) Criminal activity by informants shall not be condoned.

(d) Informants shall be told they are not acting as police officers, employees or agents of the Gresham Police Department, and that they shall not represent themselves as such.

(e) The relationship between officers and informants shall always be ethical and professional.

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(f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the SET Sergeant or the EMGET Sergeant.

(g) Officers shall not meet with informants unless accompanied by at least one additional officer or with prior approval of the SET Sergeant or the EMGET Sergeant. 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 (EFAR). 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.)

813.5 EVIDENCE FUND PROCEDURES

(a) The potential payment of money to any confidential informant (Evidence Funds) must be used in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements. The use of Evidence Funds will be delegated to the responsibility of the Investigations Lieutenant.

1. The Department recognizes the importance of having a fund available to investigators for utilization during an investigation. Evidence Funds are not to be utilized except in specific situations involving the investigation of criminal activity. Other funding resources must be utilized for those monies needed outside the parameters of this policy.

2. Authorized users of the investigative resource fund must maintain strict integrity in accounting for the funds. Ongoing consistent supervision of members and informants who disburse, use or receive investigative resource funds is a critical factor in ensuring integrity and accountability. Supervision and responsibility for this fund begins at the investigator level and continues throughout the chain-of-command.

3. Permissible Uses – Funds may be utilized for the following purposes:

(a) Payment for information from informants

(b) Purchasing contraband, stolen items, and sting operations

(c) Purchasing legitimate property for sale in the furtherance of an investigation

(d) Procurement of evidence, information, or recovery of property from crimes committed in other jurisdictions

(b) The dispersal of funds is the responsibility of the investigator's sergeant. The sergeant will review the request for funds prior to disbursal using the following criteria:

1. Proposed use of funds, and

2. Reliability/effectiveness of the informant involved, and

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3. Legality of the operation, and
4. Amount of funds requested, and
5. Projected return of the investment, and
6. If various funds exist, which fund will be used, and Does the request fit the use criteria

(c) The Investigations Lieutenant, or designee, shall request replacement funds, via the Finance & Management Services Department of the City

(d) At the beginning of each fiscal year, the following personnel will have in possession and be responsible for the below listed funds:

1. Investigation Sergeant - $3000
2. SET Sergeant - $5000
3. Investigation Lieutenant - $10000 (Flash money only)

813.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

(a) The extent of the informant's personal involvement in the case.

(b) The significance, value or effect on crime.

(c) The amount of assets seized.

(d) The quantity of contraband seized.

(e) The informant's previous criminal activity.

(f) The level of risk taken by the informant.

The SET Sergeant or EMGET Sergeant will discuss the above factors with the case agent and arrive at a recommended level of payment that may be subject to approval by the Chief of Police.

813.5.2 EVIDENCE FUND ACCOUNTS

Evidence Funds will be secured in a cash box within a locked safe. Access and amounts will be audited by the Investigations Lieutenant. Safe combinations, or access to the safe, are not to be given out under any circumstance to undesignated personnel. Combinations will be changed when anyone with access leaves the division.

All expenditures and returns will be logged on the Evidence Fund Expense Report with the attached Evidence Fund Receipts.

Designated supervisory personnel will authorize expenditures before funds are distributed.

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.

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(a) When both assets and contraband have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the contraband seized.

(b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized.

813.5.3 PAYMENT PROCESS

(a) Payments will be made from the existing Evidence Fund belonging to the sergeant overseeing the investigation.

(b) All informant payments will be documented on an EFAR and witnessed by a sworn member of the Department.

(c) Payments of $1000 and under may be paid in cash at the discretion of the unit sergeant.

(d) A copy of the EFAR will be kept in the confidential informants file.

(e) If the payment amount exceeds $1000, an approval from to Investigations Lieutenant is required.

(f) Completed EFARs will be turned into the officer's appropriate unit sergeant as soon as possible following payment.

(g) Department members will be responsible for the accounting of funds paid to informants.

(h) Unit sergeants will be responsible to reconcile money paid on a monthly basis.

813.5.4 REPORTING OF PAYMENTS

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.

813.6 AUDIT PROCEDURE

(a) Every fiscal quarter all Investigative Resource Funds will be audited by the Investigations Lieutenant and witnessed by another Division Supervisor or Command Officer.

(b) An entry will be made in the Evidence Fund Expense Report noting the audit.

(c) Any discrepancies shall be forwarded through the chain-of-command.

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Authorized Consumption of Intoxicants On-Duty

814.1 PURPOSE AND SCOPE

During the course of special investigations, investigators may be involved in situations that require the consumption of intoxicating beverages to enhance their credibility and/or not arouse suspicion.

The following guidelines will be followed in regards to consuming intoxicating beverages in the performance of duty.

814.2 PROCEDURES

(a) Only investigators who have reviewed and signed the approved training materials concerning the affects of intoxicating beverages on an individual (See attachment: ALCOHOL AND THE HUMAN BODY.pdf), will be allowed to consume intoxicating beverages in the performance of duty. A copy of the signed materials will be maintained in the investigator's personnel file located in Police Administration.

(b) The Investigations Division Commander, Investigation Division Lieutenant or supervisor are delegated the authority to authorize investigators to consume intoxicating beverages in the performance of duty.

(c) An Investigator, recognizing that a situation may arise that requires the consumption of intoxicating beverages, will normally obtain permission from the Investigation Division Commander or other appropriate authority prior to the situation.

1. Each request will be judged on a case-by-case basis, taking into account the circumstances of the investigation and the nature of the anticipated contact. A rational reason must be articulated that indicates the specific need to consume intoxicating beverages.

2. The supervisor, recognizing the liability concerns, will make efforts to reduce the need for a member (who has consumed alcohol) to drive, use force or make arrest decisions while alcohol is a factor.

3. Investigators authorized to consume intoxicants on duty will consume the least amount of intoxicants necessary to complete their objective. Investigators are cautioned against consuming intoxicants while taking medications. Any investigator taking medication should ask their physician how intoxicating beverages would react with their medication.

4. Investigators authorized to consume intoxicating beverages are responsible to obey all state laws and department rules, regulations, policy and procedures. Of specific concern is ORS 813.010, "Driving While Under the Influence of Intoxicants" and Policy #307, Firearms.

5. Should the investigator become impaired as the result of authorized consumption of intoxicating beverages on duty, the investigator should contact the Investigation Division Commander to arrange for transportation or other needs that might arise.

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6. Any supervisor who authorizes the on-duty consumption of an intoxicating beverage will forward a memorandum to the Investigations Lieutenant outlining the need for the authorization.

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Contacting Off-Duty Supervisors, Investigators, Criminalists & Techs

815.1 PURPOSE AND SCOPE

To establish guidelines for the call-out of off-duty Investigations Division Supervisors, Investigators, Criminalist and/or Police Technicians.

815.2 INCIDENTS REQUIRING USE OF CALL-OUT PROCEDURE

(a) Major criminal incidents involving complex or lengthy investigations in which a delay would adversely impact the results of the investigations.

(b) Major criminal incidents requiring resources beyond the capabilities of on-duty Operations Division personnel, including but not limited to investigations requiring special expertise, knowledge, or equipment.

(c) Death of a person, which takes places under suspicious circumstances and/or appears not to be the result of natural causes.

(d) Incidents in which Investigations Division personnel have specifically requested to be notified to expedite an on-going investigation.

(e) Immediate Sexual Assault to a Child.

1. Cases of rape, sodomy, or sexual penetration within 72 hours, where there is likelihood that medical evidence of such crimes may still exist.

(f) Serious physical injury to a Child http://www.leg.state.or.us/ors/161.html e.g. injuries such as serious head trauma, broken bones and/or burns requiring treatment beyond first-aid, and/or where the child is admitted to a medical center for treatment.

815.3 PROCEDURE

(a) The on-call Investigations Division Sergeants, Investigators, Criminalist and/or Police Technicians shall be listed on the Division schedule on the Y-Drive, highlighted by a specific color code.

(b) The on-call Investigations Division Sergeant will be contacted whenever off duty Investigations Division personnel are requested to respond to report to work, and will determine which personnel will respond.

(c) In the absence of an Investigations Division Sergeant, an Investigations Division Commander will be notified to determine which personnel will respond.

(d) If the Investigations Division Sergeant or Commander is not available, the on-duty Operations Supervisor may contact an Investigator, Criminalist and/or Police Technician directly.

(e) When a specific request for information is made to Operations Division personnel by an individual Investigator, the requesting Investigator may be directly contacted.

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815.4 <P>INVESTIGATIONS DIVISION SERGEANT, INVESTIGATOR, CRIMINALIST AND/ OR POLICE TECHNICIANS RESPONSIBILITIES</P>

(a) Each Sergeant, Investigator, Criminalist and Police Technician is subject to recall for emergency follow-up on cases.

(b) When notified, the Investigator will respond promptly and report to the supervisor or officer in charge for briefing and will assume the responsibilities for the investigation and crime scene unless otherwise directed by a superior officer of the Investigations Division. The Investigator is authorized to request assistance from uniformed officers at the scene.

(c) When notified, the Criminalist and/or Police Technician will respond promptly and report to the supervisor or officer in charge for briefing. The Criminalist and/or Police Technician are authorized to request assistance from the uniformed supervisor at the scene.

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Undercover Operations

816.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for investigating criminal activities requiring covert operations and for gathering, organizing and disseminating information regarding the occurrence of illegal activities within the City of Gresham.

Undercover (UC) operations, investigations and missions are inherently dangerous. The use of sworn members in a covert role in an investigation will be limited to those instances where the use of other investigative tools (i.e. Confidential Informants (CI), surveillance, citizen information, etc.) is not practical or would compromise the integrity of the investigation. The overriding concern in any UC operation is for the safety of the member. It is essential that adequate cover officers are present during any UC operation.

816.2 DEFINITIONS

Undercover sworn member – A sworn member who is working in plainclothes and in a covert manner with the goal of making personal contact with another person in a criminal investigation.

816.3 PROCEDURES

(a) **Member Responsibilities** – A UC member may work alone or with any number of UC members. The UC member should ensure that s/he does not have any items of clothing, equipment or any other item visible that would readily identify him/her as a sworn member. When in a UC role, the member is subject to the following:

1. At no time will an officer consume controlled substances as a part of the UC role. If a situation arises where the UC member is being forced to use controlled substances, s/he should refuse. If the suspect persists, the member(s) will extract his/herself from the situation and terminate contact.
2. A member working in a UC role should be armed. If there is a specific reason the member cannot be armed, approval from the applicable lieutenant or designee will be obtained.
3. Members should avoid drinking alcohol when working undercover. If the need arises, a member may drink alcohol but should refrain from drinking in excess. Immediately after the operation the member will report to his/her supervisor that alcohol was consumed. In the event a member consumed alcohol, s/he will take no police action after consuming alcohol unless, the officer reasonably believes the action is in defense of human life.
4. Members should attempt to use audio recording devices while working undercover. If this is not practical or there is a legal reason for not recording, the member will seek supervisory approval.

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5. A UC member will not engage in sexual contact. A member will not expose his/her genitals or commit criminal offenses to convince others that s/he is not associated with law enforcement.
6. A UC member will not commit criminal offenses for the purpose of disguising that s/he is a police officer. A controlled delivery of illegal drugs with the purpose of arresting the suspect and recovering the illegal drugs and/or the display of illegal drugs to a suspect to further an investigation are not criminal offenses.
7. A member working in a UC role will not be the case officer for the investigation. The case officer, along with the supervisor, will be responsible for coordination of the operation. The UC member's primary responsibility is to act in the covert role.
8. The UC member should not become involved in an arrest while acting in a covert capacity. If a situation arises that requires the UC member to take police action, s/he should extract him/herself as soon as cover members arrive and take control.
9. For safety reasons, a UC member should avoid entering a suspect's vehicle. If it is necessary to get into a suspect's vehicle, resources will be in position to prevent the suspect from moving the vehicle from the operational area. Contingency plans to rescue the UC member will be included in the operational plan.
10. If there is more than one suspect in a case, consideration should be given to having more than one UC member. Member safety should be the driving factor in determining how many UC members to use.
11. If a Confidential Informant (CI) is used to introduce a UC member to a suspect, the case officer, UC member and the CI will coordinate the covert role play. The CI will be given detailed instructions to help in enhancing the safety of the UC member and the CI. The CI and the UC member should rehearse his/her roles so that there is no confusion when the covert operation commences. Care should be given to avoid giving the CI confidential information regarding the UC member, the suspect, or the case.
12. Communications must be clear and concise between the UC member and cover members during covert operations. Visual and audio signals will be included in the operational plan, as well as telephones, radios and pagers. Pager codes and signals should be worked out ahead of time so that the cover team can communicate on multiple levels with the UC member. Predetermined signals will be established and briefed prior to the mission so that everyone involved in the operation is cognizant of the signals.
13. Any member, regardless of rank, can terminate a UC operation if they see or hear something that compromises the safety of any member involved in a operation.

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(b) **Supervisor's Responsibilities** – Supervisors will ensure that the UC operation is thoroughly planned and that the safety of the UC member is the primary focus during the planning process. When conducting UC operations, supervisors should:

1. Evaluate all pertinent legal issues that apply to the operation.
2. Ensure all UC operations have a written operational plan that is approved by a sergeant or above.
3. Ensure that there is appropriate cover present for any UC operation. All surveillance and cover officers will be present for the operational briefing prior to the planned operation. The briefing should identify:
   (a) The u/c officer(s) involved,
   (b) The location of the operation,
   (c) The suspects of the investigation and known identifiers (i.e. vehicle, etc.),
   (d) Assignments of cover team,
   (e) Contingency plans, to include a plan for rescuing the UC member and identification of the nearest medical facilities.
4. Communications will be outlined in the operational plan and will include:
   (a) Radio nets,
   (b) Visual/audio signals
   (c) Telephone links,

   The above listed information will be included during the pre-operation briefing.

5. The supervisor conducting the operation should notify the appropriate patrol sergeant(s) of the UC operation. The notification should include the name and/ or description of the UC member and the clothes s/he will be wearing.
6. If the UC member is going to be unarmed, the supervisor will obtain the Investigation Lieutenant's approval before the operation begins.
7. In some UC situations, it may be necessary for members to consume alcoholic beverages.In such situations and whenever possible, members will consume non-alcoholic beverages. In the event alcoholic beverages are consumed, members will not consume an amount which would impair, to any degree, their ability to perform their duty. Members who consume alcoholic beverages, regardless of the amount, will inform their supervisor as soon as possible.
8. If the UC members is not wearing audio recording equipment, the supervisor will ensure that the operation occurs in a public area with good visibility.
9. If a body wire is used, the supervisor will confirm that the case officer has completed the appropriate reports.

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10. UC members should be encouraged to voice their level of comfort when asked to work in a covert capacity. At no time will a supervisor assign a member to work in a UC role if the member is uncomfortable with the operation plan or his/her ability to perform in a covert role.
11. If available, a supervisor may request air support during UC operations.
12. No UC operation will be executed until the Oregon State Intelligence Network (OSIN) has been notified and the operation has been de-conflicted. It will be the supervisor's responsibility to ensure this occurs prior to operation.
13. All UC operations will be debriefed.

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Case Investigations Management

817.1 PURPOSE AND SCOPE

This directive provides guidelines for the assignment and tracking of case investigations.

817.2 POLICY

(a) The mission of the Investigation Division is to support crime suppression through routine, pro-active and scientific criminal investigation, apprehension of offenders, and the recovery of property. Therefore, it is necessary to provide management control of the investigation of crime.

(b) The lack of managerial control over the case investigation process leads to many shortcomings, such as inequitable caseloads, improper assignment of cases, incorrect priority decisions, lateness of investigator responses, and lack of continuity. The Gresham Police Department recognizes that the management of cases will provide the best service to the citizens of Gresham.

817.3 CASE LOG/CRIME REPORT PICK-UP

(a) The police assistant or other person designated by an Investigation Division supervisor, shall pick up the case log and all crime reports each morning, Monday through Friday, and verify that copies of all reports have been forwarded from Records Section (Records.) Copies of missing reports may be requested from Records Section or Field Operations Division (Field Operations), depending upon the location and status of the report.

(b) The police assistant will note on the case log those reports that have been requested from Records or Field Operations. The case log and reports will then be forwarded to the supervisor whose unit is responsible for follow up investigation of the respective reports.

817.4 CASE ASSIGNMENTS

(a) Case assignments will be made by the appropriate unit supervisor or designate. The supervisor or designate will read each case, determine its investigative status and ensure the information is entered into the Case Management Program.

(b) Suspended or informational cases may be forwarded to the appropriate unit or officer within the Division for review. After review, the cases will then be filed in the Division files by the investigative assistant.

817.5 ASSIGNMENT GUIDELINES

(a) The assignment of case investigations will be based upon the following guidelines.

1. Case assignments will be consistent with the general duty assignments outlined in Appendix A . These assignments are flexible in nature and incidents may

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occur where individual investigators may be assigned cases outside the general crime category they normally work.

2. Consideration will be given to the nature of the crime, injuries suffered by the victim and the community sensitivity to the crime.

3. The existing caseload of each investigator will be reviewed so an equitable distribution of case investigation is maintained.

817.6 COMPUTER CASE MANAGEMENT

(a) The unit supervisors will ensure that initial case status is input in the appropriate entry screen. The status codes are as follows:

1. **P** – Pending. A case which is assigned for investigation.

2. **S** – Suspended. A case that has all its leads followed or which cannot be investigated further due to lack of appropriate resources.

3. **I**. Information. A suspended case that is sent to a specific investigator for review and information. It may contain some leads but cannot be assigned due to lack of resources.

4. **C**. Cleared by Patrol. A case with an arrest made by patrol, sent of for review.

(b) The Data Trieve has a selection to check for cases, which have not had investigative activity for two weeks. The unit supervisor will check this report weekly. If a case is listed in the suspense file, the supervisor will contact the investigator and request an immediate update of the case. If no activity has occurred on the case, it will normally be suspended.

817.7 CASE FILE PREPARATION

(a) The investigator will prepare a criminal case envelope and complete the appropriate information on the outside of the envelope for each assigned case. These envelopes, with all reports and other investigative information, will be filed at the investigator's workstation.

(b) Investigators will ensure that all follow-up notes and information are written as soon as possible on a department report form and the original forwarded to the Records Section.

(c) Each investigator will enter newly assigned cases on the appropriate Monthly Activity Report as directed by Division General Order.

817.8 SUSPENDING ASSIGNED CASES

(a) Investigators may suspend assigned cases when all leads have been followed and there is little probability of solving the case from current information or there has been no investigative action taken on the case for 30 days.

(b) Requests to suspend a case will be submitted for review to the investigator's supervisor. The request will include the entire case file and the reason the case should

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be suspended. Upon approval and return, investigators will update their Monthly Activity Reports as required and forward the case file to the police assistant for filing.

817.9 CASE CLEARANCE

(a) The supervisors or designate will ensure the update of the computer Case Management Program upon receipt and approval of case clearance report.

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Chapter 9 - Personnel

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Recruitment and Selection

900.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Gresham Police Department and that are promulgated and maintained by the Department of Human Resources.

900.2 POLICY

In accordance with applicable federal, state and local law, the Gresham Police Department provides equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

900.3 RECRUITMENT

The Services Division Captain should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, 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 Services Division Captain shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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900.4 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Gresham Police Department (OAR 259-008-0015).

900.4.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

900.4.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Services Division Captain shall not require candidates to provide passwords, account information or access to password-protected social media accounts (ORS 659A.330).

The Services Division Captain should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, Internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Services Division Captain should ensure that potentially illegal or information not permitted by the candidate is not available to any person involved in the candidate selection process.

900.4.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use in making employment decisions. However, nothing in this section prohibits an employer from accessing information available to the public about the employee or applicant that is accessible through an online account. The report and all supporting documentation shall be included in the candidate's background investigation file.

900.4.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

900.4.5 STATE NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with ORS 659A.320.

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900.5 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

(a) Age at the time the behavior occurred

(b) Passage of time

(c) Patterns of past behavior

(d) Severity of behavior

(e) Probable consequences if past behavior is repeated or made public

(f) Likelihood of recurrence

(g) Relevance of past behavior to public safety employment

(h) Aggravating and mitigating factors

(i) Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

900.6 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (OAR 259-008-0010). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

900.6.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by the Oregon Department of Public Safety Standards and Training (DPSST), including the following (OAR 259-008-0010):

(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

(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

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4. Any offense that would subject the candidate to a denial or revocation of a peace officer license pursuant to OAR 259-008-0070

(e) Be of good moral fitness

(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 set forth in OAR 259-008-0010

900.7 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Reference checks

(d) Employment eligibility verification, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents

(e) Information obtained from public Internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

1. Review and use of information contained in an applicant's credit history shall also be in accordance with ORS 659A.320.

(g) Local, state and federal criminal history record checks

(h) Medical and psychological examination (may only be given after a conditional offer of employment)

(i) Executive or command level executive interview.

900.7.1 VETERAN PREFERENCE

Veterans of the United States Armed Forces who served on active duty and who meet the minimum qualification for employment may receive preference pursuant to ORS 408.230.

900.8 JOB DESCRIPTIONS

The Services Division Captain should ensure that a current job description is maintained for each position in the Department.

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900.9 PROBATIONARY PERIODS

The Services Division Captain should coordinate with the City of Gresham and Department of 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.

Additionally, the GPOA will be notified per the Collective Bargaining Agreement (CBA).

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Reporting of Employee Convictions

901.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify the Gresham Police Department of any past and current criminal convictions.

901.2 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 166.270).

All members are responsible for ensuring 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.

ORS 166.270 carries specific prohibitions on the carrying of firearms, or other weapons, upon a felony conviction in the State of Oregon, or any other state or under federal law.

ORS 107.095(5) addresses when a restraining order can lead to a violation of the firearms prohibitions of 18 USC § 922. Employees that are or have become subject to such an order shall promptly report that information to a supervisor.

901.3 OTHER CRIMINAL CONVICTIONS

OAR 259-008-0010(4) 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.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

901.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Gresham Police Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction, regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

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Reporting of Employee Convictions

All members and all retired officers with an identification card issued by the Gresham Police Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing their duties may be disciplined including, but not limited to; being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt, written notice pursuant to this policy shall be subject to discipline.

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Personal Appearance Standards

902.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees of this department shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

902.2 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.

902.2.1 HAIR

Male members of the Department will limit the length of the back of their hair to no longer than the bottom of their shirt collar, measured when standing at attention with a level, horizontal gaze. The bangs shall be above the eyebrows and the sides no longer than mid-ear.

Female sworn members will wear their hair in a manner that will keep it off the shoulders. The bulk or length of the hair must not interfere with the normal wearing of all issued headgear. Ponytails are an acceptable form of wear for females.

If tints, dyes or bleach applications are used on hair, the resulting coloration must be a naturally-occurring, human hair color.

If a wig or hairpiece is worn, it must conform to the above standards.

902.2.2 FACIAL HAIR

Beards, mustaches and sideburns will be allowed as long as they are maintained in a neat, clean and well-trimmed manner. Beards will not be worn on uniform duty during early stages of growth where the preliminary formation gives the appearance of being unkempt. Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat. All facial hair will be of a uniform length not to exceed 1 inch.

902.2.3 JEWELRY AND ACCESSORIES

Jewelry - Sworn Members, Criminalist and Police Technicians only:

(a) These members are limited to the wearing of one ring on each hand and a wristwatch and/or bracelet on each arm. Rings may not be of a size, design, or style that interferes with the member's normal operational duties with specific emphasis on safe handling and operation of firearms.

(b) Male members shall not wear earrings. Female members may wear one matching pair of earrings, which must be of a stud or post type. The earrings must be in the earlobe.

(c) No other jewelry such as visible pierced body parts will be allowed while on duty.

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Jewelry - Non-sworn Member only:

(a) These members may wear finger rings of a size, design, or style that does not interfere with the member's normal operational duties.

(b) Male non-sworn members shall not wear earrings while on duty.

(c) Female non-sworn members may wear one pair of earrings while on duty.

(d) Visible, pierced body parts will not be allowed while on duty.

Jewelry, if worn around the neck, shall not be visible above the shirt collar.

902.3 TATTOOS

Tattoos - Sworn and Non-sworn Members:

Offensive and inappropriate forms of tattoos include images or writings that are sexually explicit, gang-related, racially- and/or sexually-biased, or could be viewed as discriminatory in nature are not allowed.

Visible tattoos or decals cannot distract from a professional appearance or interfere with on-duty actions and responsibilities. Members will not expose any offensive or inappropriate forms of tattoos while on duty.

(a) Visible tattoos or decals on the hands, face and neck are prohibited, except for reasonable cosmetic purposes.

(b) If a member is considering obtaining a visible tattoo that may be in violation of this policy, that member is to contact a bargaining unit representative and request the matter be brought before the Tattoo Review Committee.

(c) A tattoo or decal deemed to violate this policy shall be covered by a uniform while the member is on duty. Bandages, tape, bands or similar coverings are not acceptable.

902.4 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.

902.5 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.

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902.6 TATTOO REVIEW COMMITTEE

The Committee will consist of the following:

(a) One sworn Command Staff member appointed by the Chief of Police, and

(b) One Executive Board Representative (sworn) or Shop Steward (civilian), and

(c) One at-large member selected at the time set for review of the tattoo (when practical, this person shall be from the Member's bargaining unit).

EXCEPTIONS

Exceptions to this Order may be made for officers assigned to undercover operations or special investigative units. Exceptions become null and void once a member returns to regular duty.

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Payroll Record Procedures

903.1 PURPOSE AND SCOPE

903.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records to their immediate supervisor for the payment of wages.

903.1.2 TIME REQUIREMENTS

All employees are paid on a bi-monthly basis usually on the 15th and last day of the month.The exception to this is when these days fall on a weekend or holiday; under these circumstances, pay will be issued on the preceding Friday. Payroll records shall be completed and submitted to Administration no later than the 5th and 20th days of every month.

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Overtime Compensation Requests

904.1 PURPOSE AND SCOPE

It is the policy of the Gresham Police Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Collective Bargaining Agreement (CBA), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked or as defined by the respective CBA.

904.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time for the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment in accordance with applicable federal, state, and local laws and collective bargaining agreements.

904.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors within 10 days for verification and forwarding to the Administration Division. Failure to submit a request for overtime compensation in a timely manner, or in accordance with the respective CBA, may result in discipline.

904.2.1 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time sheet, the overtime payment request form is forwarded to the employee's Division Commander/Supervisor for final approval.

904.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the applicable collective bargaining agreement provides that a minimum number of hours will be paid, (e.g., call-back overtime). The supervisor will ensure the minimum number of hours is allowed by contract by requiring members to include the reason for overtime on the request, as well as the name of the supervisor authorizing the overtime.

904.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the respective collective bargaining agreements.

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904.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the overtime payment request.

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Promotional and Transfer Policy

905.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion or transfer within the ranks of the Gresham Police Department and the processes to be followed.

905.1.1 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 is 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 nature of the assignment and does not constitute a promotion.

905.1.2 SWORN NON-SUPERVISORY ASSIGNMENTS

The following positions are considered transfers and are not considered promotions:

(a) Detective

(b) School Resource Officer

(c) Traffic Officer

(d) K-9 Officer

(e) Transit Officer

(f) Neighborhood Enforcement Team Officer

(g) Gang Enforcement Officer

(h) Other ancillary specialty assignment

905.2 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

(a) Three years of police experience, with at least two years with the Gresham Police Department for most assignments or transfers.

(b) Has a rating of "meets" or "exceeds" in all categories for the previous two evaluations.

(c) Other requirements or desired skills, traits or abilities for the position.

(d) Promotions to the rank of Sergeant require a minimum of five years of experience in law enforcement and two of those years with the Gresham Police Department.

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905.3 SELECTION PROCESS - TRANSFERS AND ASSIGNMENTS

The following criteria apply to transfers.

(a) Administrative evaluation of the application packet for eligibility. It shall also include a review of the last two performance evaluations of the candidate.

(b) An oral board panel for qualified applicants.

(c) An executive interview with a program manager or designee for the top candidates. If too few candidates apply for a position or transfer, candidates may move forward to an executive interview without an oral board.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

905.4 PROMOTIONAL SELECTION PROCESS

Specifications for promotional opportunities are on file with the City of Gresham Department of Human Resources. Promotions will be determined in accordance with the following procedures:

(a) Administrative evaluation of the application packet as determined by the Chief of Police.

(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
2. Oral Board
3. Specific skill testing
4. Internal or external assessments
5. Interview with the Chief of Police

The Chief of Police will make the final selection.

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Modified Duty Assignments

906.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

906.2 POLICY

Subject to operational considerations, the Gresham Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

906.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Oregon Family Leave Act (OFLA) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Gresham Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

906.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees through their chain-of-command, if the request is not related to a work injury or illness. The request should, as applicable, include a certification from the treating medical professional containing:

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(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The supervisor will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 40 hours or less per week may be approved and facilitated by the Watch Commander with notice to the Chief of Police.

906.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments.

906.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors. Medical and physical therapy should be scheduled before or after assigned work hours.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Watch Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

906.5.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

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(a) Periodically apprising the Watch Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Watch Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

(d) A supervisor is responsible for documenting the work done by the employee and reporting that to the Watch Commander.

906.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

906.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

906.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

906.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty if mutually agreed upon as required by the GPOA Collective Bargaining Agreement.

906.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Request for Change of Assignment

907.1 PURPOSE AND SCOPE

It is the intent of the Gresham Police Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

907.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a memorandum to the Chief of Police through the member's chain of command, explaining their desire or need for the change.

This request is not for the purposes of circumventing or replacing a competitive selection process for specialty assignments or promotional processes.

Hardship requests shall adhere to the specific language of the member's collective bargaining agreement.

Voluntary changes with another member in the same or similar assignment shall adhere to the member's collective bargaining agreement.

907.3 SUPERVISOR'S COMMENTARY

The officer's immediate supervisor shall make appropriate comments to the memorandum before forwarding it to the Watch Commander or immediate supervisor of the employee involved. In the case of patrol officers, the Watch Commander must comment on the request with their recommendation before forwarding the request to the Division Commander.

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Personnel Records

908.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

908.2 POLICY

It is the policy of the Gresham Police Department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Oregon (ORS 181A.830; ORS 192.355; ORS 652.750).

908.3 EMPLOYEE PERFORMANCE FILE

Employee performance files are to be maintained internally by the Chief of Police's Administrative Division for the purpose of completing timely performance evaluations, documenting positive and negative Performance Log Entries, commendations, complaints, and other relevant entries while adhering to timetables established in the collective bargaining agreement. The employee performance file may contain performance log entries, the disposition of investigations including discipline or other materials that are intended to serve as a reference 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.

The City of Gresham Human Resources Department maintains the member's official personnel file, and is separate from the working file that is maintained in the Police Department. The City, upon request, shall provide an employee the opportunity to review and receive a copy of the employee's personnel file. Additionally, the employee may respond in writing to any item in the personnel file (CBA, Article 6).

908.4 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Chief of Police's Administrative Division. Access to these files may only be approved by the Chief of Police or the assigned supervisor.

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 employee performance file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Sustained

(c) Unfounded

(d) Exonerated

These files shall be retained as follows:

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(a) Investigations resulting in disciplinary action or exoneration shall be retained for three years after resolution and in accordance with the department established records retention schedule (OAR 166-200-0350; OAR 166-150-0135).

(b) Investigations resulting in termination shall be retained for 10 years after the member separation and in accordance with the department established records retention schedule (OAR 166-200-0350; OAR 166-150-0135).

(c) Unfounded investigation records and all related files not resulting in disciplinary action shall be retained for three years and in accordance with the established records retention schedule (OAR 166-200-0350; OAR 166-150-0135).

908.5 SECURITY

Personnel records are maintained in a secured location and locked in an access-controlled room. Personnel records maintained in an electronic format are accessed by IT-assigned permission only and with a password protected sign-in.

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 Manager, City Attorney or other attorneys or representatives of the City in connection with official business. Likewise, a member may review their employee performance file at any time.

908.5.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify their supervisor 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.

908.5.2 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.

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(c) Disclosure is necessary for an investigation by the public body, the Department of Public Safety Standards and Training, or a citizen review body designated by the public body.

(d) The public body determines that nondisclosure of the information would adversely affect the confidence of the public in the Department.

Audio or video records of internal investigation interviews of an officer are confidential and shall not be released (ORS 192.385).

Photographs of an officer shall not be disclosed without the written consent of the officer (ORS 181A.830).

908.6 TRAINING FILE

An individual training file shall be maintained by the Training Unit 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. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Unit or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Unit or supervisor shall ensure that copies of such training records are placed in the member’s training file.

908.7 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

A member may request to review his/her employee personnel file. The request should be made to the Chief of Police's Administrative Division Supervisor or their direct supervisor. The Administrative Division 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 and Article 6.1 of the CBA.

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.

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(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) 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.

(f) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

908.8 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the collective bargaining agreement, state laws and established records retention schedules.

(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 documentation has exceeded the relevant and required retention schedule. Documents found beyond the retention schedule should not be used and the Chief of Police's Administrative Division Supervisor should be notified.

(b) If a supervisor determines that records should be retained beyond the required period, approval for such retention should be sought through the chain of command from the Chief of Police.

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Illness and Injury Prevention

909.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Gresham Police Department, in accordance with the requirements of the Oregon Safe Employment Act (OAR 437-001-0001 et seq.).

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related City wide safety efforts.

909.2 POLICY

The Gresham Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

909.3 ILLNESS AND INJURY PREVENTION PLAN

The Services Division Commander and the City's Risk Manager are responsible for developing an illness and injury prevention plan that shall include:

(a) Workplace safety and health training programs.

(b) Regularly scheduled safety meetings.

(c) Posted or distributed safety information.

(d) A system for members to anonymously inform management about workplace hazards.

(e) Establishment of a safety and health committee that will (OAR 437-001-0765):

1. Meet monthly.
2. Prepare a written record of safety and health committee meetings.
3. Establish procedures for conducting workplace safety and health inspections.
4. Conduct quarterly workplace inspections.
5. Review the results of periodic scheduled inspections.
6. Review investigations of accidents and exposures.
7. Make suggestions to command staff for the prevention of future incidents.
8. Review investigations of alleged hazardous conditions.
9. Submit recommendations to assist in the evaluation of member safety suggestions.

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10. Assess the effectiveness of efforts made by the Department to meet applicable standards (OAR 437-001-0001 et seq.) each year.

(f) Establishing a process to ensure work-related fatalities and hospitalizations are reported as required by Oregon Occupational Safety and Health Administration. Notification is required within eight hours after the death of any member, and within 24 hours of an inpatient hospitalization of one or more members, an amputation, an avulsion that results in bone loss, or a loss of an eye as a result of a work-related incident (OR-OSHA) (29 CFR 1904.39; OAR 437-001-0704).

(g) Establishing a process that an OR-OSHA annual summary of work-related injuries and illnesses is completed and posted in a conspicuous location where notices to all members are customarily posted in compliance with the Oregon Safe Employment Act (OAR 437-001-0700(17)).

909.3.1 SAFETY COMMITTEE

The City of Gresham, with representative members from the Gresham Police Department, maintains a safety committee to communicate and evaluate safety and/or health issues that may affect members and to promote safety and health in the work environment. The safety committee should include full-time and volunteer members, as applicable. Members of the Gresham Police Department shall notify the safety committee of unsafe work practices, equipment or environments as soon as practicable (OAR 437-001-0765).

Each time the safety committee meets, the committee chairperson or the authorized designee shall prepare a written record of the meeting that includes (OAR 437-001-0765):

(a) The names of all attendees.

(b) The date of the meeting.

(c) All safety and health issues discussed at the meeting, including tools, equipment, work environment and work practice hazards.

(d) The recommendations for corrective action, if made, and a reasonable date by which to comply with the recommendation.

(e) The individual responsible for follow-up on any recommended corrective actions.

(f) All reports, evaluations and recommendations made by the committee.

909.4 SERVICES DIVISION COMMANDER RESPONSIBILITIES

The responsibilities of the Services Division Commander and the City's Risk Manager include, but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of member illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

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1. New member orientation that includes a discussion of safety and health policies and procedures.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:

1. Informing members of the illness and injury prevention guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring department compliance to meet standards regarding the following:

(e) Communicable diseases (29 CFR 1910.1030; OAR 437-002-0360)

(f) Personal protective equipment (PPE) (OAR 437-002-0134)

(g) Fire Prevention Plan (OAR 437-002-0043)

(h) Respiratory protection (29 CFR 1910.134; OAR 437-002-0120)

(i) Exit and exit routes (OAR 437-002-0041)

(j) Emergency Action Plan (OAR 437-002-0042)

(k) Making available a form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

(l) Making available a form to document individual incidents or accidents.

(m) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.

(n) Conducting and documenting a regular review of the illness and injury prevention plan.

909.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the member's appropriate Division Commander

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(e) Notifying the Services Division Commander when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational illnesses and injuries occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

909.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors) or may report anonymously.

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Safety Committee Sergeant via the chain of command.

The Service Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

909.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Safety Committee Sergeant shall ensure that the appropriate documentation is completed for each inspection.

909.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to and after working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

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909.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

909.9 TRAINING

The Services Division Commander should work with the Training Sergeant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all members with respect to hazards specific to each member's job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

909.9.1 TRAINING TOPICS

The Training Unit shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves, footwear, or other PPE.

(c) Use of respiratory equipment.

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(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(k) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

909.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Safety committee agendas and minutes shall be kept for a minimum of three years (OAR 437-001-0765).

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Sick Leave

910.1 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 Gresham Employee 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), the Oregon Family Leave Act (OFLA) 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.).

910.2 POLICY

It is the policy of the Gresham Police Department to provide eligible employees with a sick leave benefit.

910.3 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 use of sick leave will be in accordance with CBA Articles 11 and 13.

910.3.1 NOTIFICATION

All members should notify the Gresham Police Department as soon as they are aware that they will not be able to report to work. Proper notification is defined in the member's CBA. If notification is not defined, the member shall notify the on-duty supervisor, or in the case of civilian employees, make notification as directed by a supervisor. If the need to use sick time is unforeseeable, the employee shall provide notice to the employer as soon as practicable and must comply generally with the employer’s notice or procedural requirements for requesting or reporting other time off if those requirements do not interfere with the ability of the employee to use sick time (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, provide the Department with no less than 10 days' notice of the impending absence under the State law. The member shall make a reasonable attempt to schedule the use of sick time so that it does not disrupt the operations of the Department (ORS 653.621; OAR 839-007-0040).

Members are responsible for ensuring their time off was appropriately accounted for, when they return to work.

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910.4 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 Director of Human Resources as appropriate.

(c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:

  (a) A pattern of usage in conjunction with days off, vacation, holidays, or compensatory time;

  (b) A pattern of usage on days when a spouse or significant other is off work;

  (c) A pattern of calling in sick on a previously denied day off;

  (d) The existence of indicator(s) that the absence was motivated by a desire to avoid undesirable working assignments, deadlines, etc.;

  (e) Statements or actions that indicate an intent to deliberately mislead or misrepresent the reasons for the reported absence; or

  (f) Physical observations (return to work with signs of outdoor recreation, such as sun burns, ect.) and/or other information that provides an "Objective factual basis" for the suspicion that the employee was not absent for reasons that qualify for sick leave usage.

(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.

910.5 EXTENDED ABSENCE

Members absent from duty that exceeds four consecutive workdays 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).

910.6 REQUIRED NOTICES

The Director of Human Resources 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.

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(b) The sick leave provisions of the Oregon sick leave law as provided in ORS 653.601 et seq.

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Communicable Diseases

911.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

911.1.1 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 Gresham Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

Exposure Control Plan- Is located in Chapters 11 through 18 of the Risk Management & Safety Manual, found in the City's SharePoint, Walter system. The Exposure Control Plan provides details to assist in identifying whether an exposure has occurred.

911.2 POLICY

The Gresham Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

911.3 EXPOSURE CONTROL OFFICER

The City of Gresham's Risk Management is responsible for the creation and maintenance of the exposure control plan and act as the Exposure Control Officer(ECO). The Training Sergeant can assist the ECO with facilitating and implementation of the plan. The Exposure Control Plan is located in the Safety Manual which can be found in The City's Walter system.

The exposure control plan includes the following items:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

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(d) Ensure officers are evaluating 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 blood borne 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.

911.4 EXPOSURE PREVENTION AND MITIGATION

911.4.1 GENERAL PRECAUTIONS

Members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; OAR 437-002-0360):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

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(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.

911.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; OAR 437-002-0360).

Other preventive, no-cost immunizations shall be provided to members who are at risk of contracting a communicable disease if such preventive immunization is available and is medically appropriate. A member shall not be required to be immunized unless such immunization is otherwise required by federal or state law, rule or regulation (ORS 433.416).

911.5 POST EXPOSURE

911.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

911.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented on a City of Gresham Exposure Form (29 CFR 1910.1030; OAR 437-002-0360):

(a) Name of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should insure the completion of the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury

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Reporting Policy), forward a copy of the documentation to Risk Management and the original up the chain of command.

911.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (29 CFR 1910.1030; OAR 437-002-0360).

Risk Management, or their designee, should request a written opinion/evaluation from the treating medical professional, that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

911.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; OAR 437-002-0360).

911.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of Risk Management or their designee. 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 at 1-971-673-1222, 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, Risk Management is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

Risk Management, or their designee should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

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911.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

911.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; OAR 437-002-0360):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Occupational Disease and Work-Related Injury Reporting

912.1 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.

912.1.1 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 Gresham Police Department (ORS 656.005(7); ORS 656.802).

912.2 POLICY

The Gresham 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.).

912.3 RESPONSIBILITIES

912.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event to a supervisor, as soon as possible. The member may choose the medical service provider, and shall seek medical care when appropriate.

912.3.2 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 member's request (ORS 656.265; OAR 436-060-0010). The supervisor should email a copy of the initial paperwork to Risk Management prior to the end of shift.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

912.3.3 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 and the City's Risk Manager to ensure any required Oregon Occupational Safety and Health Administration (OR-OSHA) reporting is made

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as required in the injury and illness prevention plan identified in the Illness and Injury Prevention Policy.

The Division Commander shall report all claims to Risk Management no later than five days after notice or knowledge of any claim or accident that may result in a compensable injury (OAR 436-060-0010(3)). Risk Management will then report the incident to a third party administrator.

912.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the City's Human Resources Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

912.4 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. The injury form shall be forwarded to the City Risk Manager.

This report shall be signed by the affected member, indicating that they did not seek medical attention at the time of the report. By signing, the member does not preclude their ability to later seek medical attention.

912.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by third party and is subsequently contacted by that party, their agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to Risk Management as soon as possible.

912.5.1 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 Risk Management with written notice of the proposed terms of such settlement. In no case shall the member or member's attorney accept a settlement without first providing written notice to the Risk Management. 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.

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Line-of-Duty Deaths

913.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Gresham Police Department in the event of the death of a member occurring in the line-of-duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line-of-duty and the injuries are life-threatening.

913.1.1 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 civilian 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.

913.2 POLICY

It is the policy of the Gresham Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line-of-duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

913.3 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 Watch Commander.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) The Watch 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 Watch 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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the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

913.4 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, Watch Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

The notification of surviving children is the responsibility of the next of kin or surviving spouse.

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) Plan for concerns such as known health concerns of survivors or language barriers.

(c) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(d) 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.

(e) 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.

(f) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(g) Assist the survivors with meeting childcare or other immediate needs.

(h) 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.

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(i) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(j) Provide their contact information to the survivors before departing.

(k) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(l) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Gresham Police Department members may be apprised that survivor notifications are complete.

913.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

913.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

913.6 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:

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(a) Department Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Critical Incident Stress Management (CISM) coordinator.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

913.6.1 DEPARTMENT LIAISON

The Department Liaison should be of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-mast.

(g) Ensuring that department members are reminded of appropriate information–sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

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913.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Gresham Police Department members (except for members who may be guarding the suspect).

(c) Ensure that survivors receive timely updates regarding the member before information is released to others.

(d) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(f) If applicable, explain to the survivors why an autopsy may be needed.

(g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

(a) Arranging transportation for the survivors back to their residence.

(b) Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.

(c) Documenting his/her actions at the conclusion of his/her duties.

913.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's supervisor. The following should be considered when selecting the Survivor Support Liaison:

(a) The liaison should be an individual the survivors know and with whom they are comfortable working.

(b) If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The

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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.

(c) The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

(h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.

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(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

913.6.4 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 responsibilities until they can receive CISM support as appropriate and possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

913.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison’s responsibilities include, but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

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(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including, but not limited to the following:

1. Honor Guard

(a) Casket watch

(b) Color guard

(c) Pallbearers

(d) Bell/rifle salute

2. Bagpipers/bugler

3. Uniform for burial

4. Flag presentation

5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

913.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Gresham 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.

913.6.7 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.

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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.

913.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

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(d) Providing accounting and cost information as needed.

913.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department members are instructed to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).

2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

913.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

(a) Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.

(b) Assisting liaisons and coordinators with their assignments, as appropriate.

(c) Assisting department members with counseling or emotional support, as requested and appropriate.

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Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

913.9 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 members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

913.10 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.

913.11 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.

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Evaluation of Employees

914.1 PURPOSE AND SCOPE

The Gresham Police Department 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.

914.2 POLICY

The Gresham Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, training and potential discipline. The evaluation report is intended to serve as a guide for future work planning and past review of work by the supervisor and employee. The evaluation gives supervisors a way to objectively document history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

914.3 EVALUATION PROCESS

Evaluation reports will cover a past specific period of time and should only contain documentation and information related to performance during that specific period of time. Evaluation reports will be completed by an 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.

At the beginning of each rating period, each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee. Supervisors should document this discussion.

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.

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 ninety (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.

See attachment: Officer Performance Evaluation 12-08-16.pdf

See attachment: Supervisor Performance Evaluation 11-28-16.pdf

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914.4 FULL TIME PROBATIONARY PERSONNEL

Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees.

Sworn personnel are on probation for 18 months before being eligible for certification as permanent employees. This period is reduced to 12 months for lateral officers.

914.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - For patrol personnel and those assignments/positions that have scheduled shift changes, an evaluation "Employee Performance Review" (EPR) shall be completed twice (2x) a year in conjunction with the October and April shift changes. Those persons that are assigned to specialties, such as Investigations, K-9 Unit, or Traffic shall receive an annual EPR.

Transfer - If an employee is transferred from one assignment to another in the middle of a six-month (6) evaluation period and more than ninety (90) days have transpired since the shift change, then an evaluation shall be completed by the immediate supervisor before the transfer is made. No additional evaluation will be required at the end of that six-month (6) rating period.

Special - A special evaluation may be completed any time the rater and the rater's supervisor believe that one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (work plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

914.5.1 RATING DEFINITIONS

When completing the Officer Performance Evaluation, or Supervisor Performance Evaluation, the rater will select the numerical value in the column that best describes the employee's performance. The definition of each rating value is as follows:

5 - Outstanding - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected.

4 - Exceeds Standards - Performance that exceeds the Department standard but does not rise to the level of outstanding.

3 - Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

2 - Needs Improvement - Below the Department standard performance but does not meet an unsatisfactory rating.

1 - Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

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Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. Any rating under any job dimension other than "Meets Standards" shall be substantiated in the rater comments section.

914.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor will discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee shares a reasonable objection of any of the ratings, the supervisor will document the employee's objections and the supervisor may choose to make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may also write comments in the employee comments section of the performance evaluation report.

During the interview, supervisors should verify with the employee all information on the Employee Emergency Notification Form is correct.

See attachment: Emergency Notification Form.pdf

914.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Watch Commander or Division/Section Manager. The Watch Commander or Division/Section Manager shall review the evaluation for fairness, impartiality, uniformity, and consistency and forward the evaluation to the Administrative Supervisor for dissemination to the Division Commander/Captain and Chief of Police.

914.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.

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Grievance Procedure

915.1 PURPOSE AND SCOPE

It is the policy of the Gresham Police Department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. The Department's philosophy is to promote a free verbal communication between employees and supervisors.

915.1.1 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 of a collective bargaining agreement (CBA) or City of Gresham Personnel Rule (GAR/GEM).

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in the Discriminatory Harassment Policy; and personnel complaints consisting of 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 set forth in the Personnel Complaints Policy.

915.1.2 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.

915.2 PROCEDURE

If an employee believes he or she has a grievance as defined above, then that employee should follow the procedures outlined in their respective bargaining agreements. Should a CBA not apply to the employee, the employee shall follow steps as outlined in the Gresham Administrative Rules (GAR 4.60).

915.3 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.

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915.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Manager's office to monitor the grievance process.

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Brady Material Disclosure

916.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

916.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Gresham Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

In Camera Review- The private judges review of potential Brady information to determine relevance, while protecting the witnesses from public exposure.

916.2 POLICY

The Gresham 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 Gresham 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.

916.3 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 with the appropriate prosecutor.

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916.4 DISCLOSURE OF PERSONAL INFORMATION

If a member of this department is a 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 review 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.

916.5 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.

916.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

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Anti-Retaliation

917.1 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. It does not prohibit actions taken for non-discriminatory or non-retaliatory reasons, such as discipline for cause against a member.

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.

917.2 POLICY

The Gresham Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect members from retaliation 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.

917.3 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:

(a) Refusing to hire or denying a promotion.

(b) Extending the probationary period.

(c) Unjustified reassignment of duties or change of work schedule.

(d) 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.

(e) Taking unwarranted disciplinary action.

(f) Spreading rumors about the person filing the complaint or about the alleged wrong-doing.

(g) Shunning or unreasonably avoiding a person because they have engaged in protected activity.

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917.4 COMPLAINTS OF RETALIATION

Any member who feels they have been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Director of Human Resources.

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.

917.5 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 922.

(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.

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917.6 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.

917.7 WHISTLE-BLOWING

Oregon law protects members who disclose, or threaten to disclose, information that the member 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.

Members 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 Lieutenant for investigation pursuant to the Personnel Complaints Policy 922.

917.8 RECORDS RETENTION AND RELEASE

The Chief of Police shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

917.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Nepotism and Conflicting Relationships

918.1 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 the Gresham Police 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.

918.1.1 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).

Financial relationship- An association, affiliation, fraternization or union (other than an ordinary customer or depositor relationship with an individual, business, retail establishment, public utility or bank) formed through interaction in which an individual benefits by receiving a salary, royalty, intellectual property rights, consulting fee, honoraria, ownership interest, or other financial benefit.

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 - An association, affiliation, fraternization or union formed through interaction, companionship, interplay and mutuality, including but not limited to: dating, marriage, cohabitation or 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.

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Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

918.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Gresham Police 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, field training officers and other trainers will not be assigned to train relatives. Field training officers 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 the Gresham Police 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.

918.2.1 EMPLOYEE RESPONSIBILITY

(a) Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify their uninvolved, next highest level of supervisor.

(b) Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative, individual who resides with the member or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify their uninvolved, immediate supervisor.

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(c) 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.

918.2.2 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.

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Drug- and Alcohol-Free Workplace

919.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

919.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

919.3 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 Watch 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).

919.3.1 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.

919.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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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).

919.5 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 Department of 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.

919.6 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.

919.7 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.

919.7.1 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.

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(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.

919.7.2 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.

919.8 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).

919.9 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.

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Smoking and Tobacco Use

920.1 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 Gresham Police Department buildings or vehicles or any City of Gresham property not specifically designated as smoking areas.

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.

920.2 POLICY

The Gresham 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 buildings and vehicles, and as is further outlined in this policy (ORS 433.845; ORS 433.850).

920.3 SMOKING AND TOBACCO USE

Members, when in uniform may use tobacco in the following circumstances:

(a) when they are not in formation

(b) they do not have to leave their assignment or post for the sole reason of using tobacco

(c) They are not engaged in traffic control

It shall be the responsibility of each member to ensure that no person under their supervision, smokes or uses any tobacco product inside City buildings and vehicles. Members shall not smoke or use tobacco in any manner which draws negative attention.

920.4 ADDITIONAL PROHIBITIONS

Visitors and the public shall not be allowed to smoke in any department building or on City and Department grounds not specifically designated as a smoking area (ORS 433.845).

920.4.1 NOTICE

The City of Gresham 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).

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Fitness for Duty

921.1 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.

921.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of the Gresham Police 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 their 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) The responsibility for all medical expenses incurred by the employee in complying with verification requests, that are not covered by insurance, will be determined by the member's collective bargaining agreement or Gresham Employee Manual.

921.3 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 and appropriate, the supervisor should attempt to ascertain the reason or source of the problem, and in all cases a preliminary work 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 and all services the employee assistance program has to offer.

(d) In conjunction with the Watch 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.

921.4 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.

921.5 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 Watch Commander or unit supervisor and concurrence of a Division Captain, 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.

921.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is not fit 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 Department of 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 the treating physician or therapist in order to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee’s confidential personnel file.

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(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.

921.7 MENTAL HEALTH WELLNESS PROGRAM

The Chief of Police or the authorized designee is responsible for establishing a mental health wellness program to address issues related to mental health wellness for officers employed by the Department (2019 Oregon Laws, c.177).

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Personnel Complaints

922.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Gresham 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 an Internal Affairs Investigation or criminal investigation.

922.2 POLICY

The Gresham Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements (CBA Article 21.5).

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

922.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or unsatisfactory job performance that, if true, may constitute a violation of Department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate Department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

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Meal Periods and Breaks

923.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager and/or applicable collective bargaining agreement.

923.1.1 MEAL PERIODS

Sworn employees shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall notify the Bureau of Emergency Communications (BOEC) prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless the member receives authorization by a supervisor to leave the City.

The time spent for the meal period shall not exceed the authorized time allowed per the appropriate collective bargaining agreement.

923.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Field officers will take their breaks, subject to call load and shall monitor their radios.

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Lactation Break Policy

924.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

924.2 POLICY

It is the policy of this department to provide reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child 18 months or younger in compliance with state law and the Fair Labor Standards Act (29 USC § 207 and ORS 653.077).

924.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207,OAR 839-020-0051). In general, 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 employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify Bureau of Emergency Communications (BOEC) and/or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except in emergency or exigent circumstances.

924.4 PRIVATE LOCATION

The Department will make reasonable efforts to provide lactating employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Employees occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other employees should avoid interrupting a lactating employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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924.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the department shall clearly label it as such and shall remove it when the employee's shift ends.

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Outside Employment

925.1 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 and collective bargaining agreements.

925.1.1 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.

925.2 OBTAINING APPROVAL

No member of the Gresham Police 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.

Employees shall submit an annual written request for off duty employment to the Chief of Police whose approval must be granted prior to engaging in such employment. In those employment opportunities that require immediate approval and the Chief of Police is not available, a Command Officer may grant approval subject to this order and then submit the written request to the Chief of Police for affirmation.

If approved, the employee will be provided with a copy of the approved Chief's approval.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

925.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

925.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT

Any outside employment 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.

(b) Suspension or revocation of previously approved outside employment may be included as a term or condition of sustained discipline.

(c) If, at any time during the term of valid outside employment, an employee's conduct or outside employment conflicts with the provisions of department policy, the permission 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 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.

925.3 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 receiving payment for work that is clearly his or her regular police duties.

(c) Bring the Department into disrepute or impair the operation or efficiency of the department employee.

(d) Involves time demands that would render performance of the employee's duties for this department less efficient.

925.3.1 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.

925.3.2 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to extended 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.

925.4 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

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records or databases of this department or other agencies through the use of the employee's position with this department.

925.5 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify their supervisor of their intentions regarding their work approval, a notice of revocation of the member's approval will be forwarded to the involved employee, and a copy attached to the original approval from the Chief.

Outside employment authorization, under some circumstances, may be revoked by the Chief of Police.

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 a medical professional.

(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 Gresham Police Department, a request (in writing) may be made to the Chief of Police to restore the permission.

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Off-Duty Law Enforcement Actions

926.1 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 Gresham Police Department with respect to taking law enforcement action while off-duty.

Nothing in this policy should be construed as limiting the rights an employee would otherwise have as a private citizen to take action or not take action as the situations dictate and local, state, and federal law allow.

926.2 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.

926.3 FIREARMS

Officers of the Gresham Police Departmentt may carry firearms while off-duty in accordance with federal regulations, state and local laws, and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms and Qualification Policy. When carrying firearms while off-duty officers shall also carry their department-issued 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. Department 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.

926.4 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. There are many issues that one should consider, including, but not limited to the following:

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(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.

(d) The lack of backup officers.

(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 the advantages of waiting for on-duty, uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

926.4.1 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 themselves as a Gresham Police Department officer until acknowledged. Official identification should also be displayed if present.

926.4.2 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.

926.4.3 CIVILIAN RESPONSIBILITIES

Civilian 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.

926.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case they need to maintain an undercover capability.

926.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the on-duty supervisor who shall notify the watch commander.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Employee Involved Domestic Violence

927.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse involving law enforcement employees. This policy applies to incidents involving any law enforcement employee regardless of his/her employing agency or jurisdiction.

927.1.1 POLICY

The Gresham Police Department has a zero tolerance policy for domestic violence whether committed by a citizen or an employee. Where incidents of domestic violence occur, the Department will act quickly to protect the victim, arrest the perpetrator and conduct appropriate criminal and/or administrative investigations.

927.1.2 DEFINITIONS

Domestic Violence, Abuse and Family Members - are as defined in the Domestic Violence Policy in this manual.

Employee - means any person employed on a full-time or part-time basis by a law enforcement agency.

Law Enforcement Agency - means any federal, state, county, or local criminal justice agency employing persons having peace officer powers granted under authority of the Oregon Revised Statutes.

Restraining Order - Any court order restricting or prohibiting a person's contact with another person or persons, and/or restricting where and when a person may be at a location or time. Such an order may also result in restricting possession of firearms and ammunition. This includes, but is not limited to, restraining orders and protective orders.

927.2 STATUTORY REQUIREMENTS

Pursuant to the Federal Domestic Violence Gun Control Act (18 USC §921(a) and 18 USC § 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition. Additionally, any person convicted of a felony is prohibited from possessing a firearm (ORS 166.270).

Oregon and Federal law also prohibit firearm possession by any individual who is the subject of a domestic violence restraining order (this federal restriction does not apply to temporary restraining orders) (18 USC § 922(d)(8)) and ORS 166.255).

927.2.1 REPORTING

Employees who are arrested for, or convicted of, any crime involving domestic violence, or who become the subject of a criminal investigation, or criminal or civil protective or restraining order related to domestic violence, regardless of jurisdiction, shall report that fact to their supervisor as required in the Reporting of Employee Convictions Policy at the earliest opportunity and provide notice of any scheduled court dates, times, appearances and proceedings.

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927.3 INCIDENT RESPONSE

All department personnel shall accept, document in writing, and preserve all calls, reports, telephone and radio tapes, including those made anonymously, involving possible employee domestic violence as “on-the-record” information. The information shall be forwarded to the Watch Commander and respective employee’s supervisor for appropriate investigative action.

Upon arrival at the scene of a domestic violence incident involving any department employee as the suspect or victim, the handling officer shall immediately notify Bureau of Emergency Communications (BOEC) and request a supervisor be sent to the scene. If there is a question about whether an incident falls under this policy a supervisor shall be requested.

927.3.1 ON-SCENE SUPERVISOR RESPONSE

A supervisor shall, whenever possible, report to the scene of all domestic violence incidents that occur within this jurisdiction where a Gresham Police Department employee, or any other law enforcement agency employee, is identified as a suspect, regardless of the involved individual’s agency jurisdiction. All the provisions of the department Domestic Violence policy shall be followed (see the Domestic Violence Policy).

(a) The supervisor will ensure that a thorough investigation is conducted, preferably by an outside jurisdiction agency if involving a Gresham Police Department employee, and that all appropriate reports are forwarded to the District Attorney’s Office.

(b) Whenever a law enforcement employee domestic violence call does not result in an arrest, the on-scene supervisor shall submit a written report explaining any and all reasons why an arrest was not made.

(c) When feasible, a sworn supervisor from this department will respond to the location of any domestic violence incident involving an employee of the Gresham Police Departmentwhere the employee is suspected of committing a crime of domestic violence, which occurs in another jurisdiction to assist the responding agency and to take custody of any department weapons or other department equipment removed from the employee's possession.

927.3.2 ARREST OF A LAW ENFORCEMENT OFFICER

(a) Whenever a sworn employee of the Gresham Police Department is arrested, the supervisor shall relieve the accused of any department issued duty weapon(s).

(b) The investigating officer or supervisor shall also request permission to take any other firearms on scene for safekeeping.

(c) If the arrested employee is in uniform, he/she should be allowed to change to civilian clothes prior to transport to the jail, if feasible.

(d) The transporting officer shall ensure that corrections personnel are notified of the person’s employee status to ensure the safety of the employee while he/she is in custody.

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(e) Employees who are arrested shall be placed on administrative leave pending the disposition of criminal and administrative investigations.

927.3.3 FIREARMS RESTRICTIONS

Officers who are prohibited from possessing firearms may be placed on administrative leave or assigned to a position involving no contact with the public or access to firearms.

927.4 EMPLOYEE RESPONSIBILITY

(a) Employees are encouraged to seek confidential assistance from department or city resources (e.g., Employee Assistance Program), or other qualified individuals or entities.

(b) Employees with definitive knowledge of abuse and/or violence involving fellow employees must report such information in a timely manner to an on-duty supervisor or Watch Commander.

(c) If an employee becomes aware of possible witness or victim intimidation/coercion, he/she must report such information in a timely manner to an on-duty supervisor or Watch Commander.

(d) Employees may not engage in threatening, harassing, stalking, surveillance or other such behavior designed to interfere with cases against fellow employees or intimidate witnesses.

(e) No employee shall solicit or be afforded any privileges or special considerations.

(f) Employees who fail to cooperate with the investigation of a law enforcement employee domestic violence case will be subject to investigation and applicable administrative sanction and/or criminal charges.

(g) An employee who falsely reports that a victim of law enforcement involved domestic violence has committed a crime (such as child abuse or neglect) will be subject to applicable administrative sanction and/or criminal charges.

(h) An employee who becomes aware of another employee having difficulties which might lead to domestic violence should encourage him/her to get assistance.

927.5 DEPARTMENT RESPONSIBILITIES

(a) Supervisors should be aware of on or off-duty behaviors that may be warning signs of domestic violence which may include, but are not be limited to:

1. Stalking and inappropriate surveillance activities.
2. Unusually high incidences of physical altercations, injuries, or verbal disputes.
3. Alcohol and/or drug abuse.
4. Increase in controlling behaviors.
5. Citizen or fellow employee complaints of aggression.

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6. Inappropriate aggression toward animals.

(b) The Department, either in response to observed warning signs or at the request of an employee and/or their family or household member, shall provide non-punitive avenues of assistance to department members, their partners, and other family members as long as there is no probable cause to believe a crime has been committed.

(c) Confidential referrals to counseling services in collaboration with existing community services that have specific expertise in domestic violence, including the department chaplain, will be made available to employees.

(d) Employees who disclose to any member of the department that they have personally engaged in domestic violence are not entitled to confidentiality within the department. The report of such criminal conduct will be treated as an admission of a crime and shall be investigated both criminally and administratively.

(e) The Department will make annual checks of every member's criminal history records, including but not limited to CCH, to determine if there are any entries for domestic violence arrests, convictions or restraining orders. Any such records found will be forwarded to the Chief of Police.

(f) Any Department employee convicted of a domestic violence crime or found to have committed an act of domestic violence through an internal investigation may be subject to referrals, change in assignment and/or discipline up to and including termination.

927.6 TRAINING

The Department will provide training to employees regarding domestic violence and this policy and will collaborate with local and state agencies dealing with domestic violence in designing curriculum and providing training.

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Employee Speech, Expression and Social Networking

928.1 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 Gresham Police 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.

928.1.1 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.

This policy does not apply to employees when they are using social media to perform public safety and law enforcement work in the course and scope of their assigned duties.

928.2 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 Gresham 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.

928.3 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 Gresham 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

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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:

- 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.

928.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the Gresham Police 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 Gresham 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 Gresham Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Gresham 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 transportation is 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 Gresham Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (or any other act that would constitute a misuse of public information in violation of ORS 162.425).

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(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Gresham 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).

928.4.1 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 Gresham Police Department or identify themselves in any way that could be reasonably perceived as representing the Gresham 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 unless doing so under the direction of the Chief of Police or as an official spokesperson for the Department.

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 Gresham 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 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

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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).

928.5 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, Instagram, Twitter, LinkedIn) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Police for additional guidance).

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device.

This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks. However, the Department may not require a member to disclose a personal user name or password, or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (ORS 659A.330)

928.6 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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928.7 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.

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Commendations and Awards

929.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Gresham Police Department and individuals from the community.

929.2 POLICY

It is the policy of the Gresham Police Department to recognize and acknowledge an exceptional individual or group achievements, performance, proficiency, heroism, and service of its members and individuals from the community through commendations and awards.

929.3 COMMENDATIONS

Commendations for Department members or community members may be initiated by any department member or person from the community. Nominations will be submitted to the Awards Committee for review and consideration.

929.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

(a) Superior handling of a difficult situation

(b) A conspicuous act of bravery or outstanding performance

(c) Any action or performance that is above and beyond typical duties

929.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Gresham Police Department should document meritorious or commendable acts on an Award Nomination Form (located on the Y-d\Police\Award Nomination Form). The documentation should contain:

(a) Identifying information of nominee:

  (a) For members of the Department: name, division, and assignment at the date and time of the meritorious or commendable act

  (b) For individuals from the community: name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

929.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information of nominee:

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(a) For members of the Department: name, division, and assignment at the date and time of the meritorious or commendable act

(b) For individuals from the community: name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The physical or digital signature and Identity of the person submitting the documentation.

929.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department or community should be forwarded to the Award's Committee for review.

Award's Committee Duties:

(a) The Committee shall meet as needed to review and act upon any recommendations and/or nominations received. It is the responsibility of the nominating party to provide all pertinent materials and information in support of any nomination. The Committee shall review all reports and documentation relative to the nominee's performance during the incident being evaluated.

(b) Following review, Committee members will determine whether the performance of the nominee substantially met the criteria established for the award. In exercising its judgment, the Committee may decide to recommend a higher award than that recommended by the original nomination. In instances where the recommendation fails to meet the required criteria for a specific award, the Committee can recommend denial of the award or recommend an award more appropriate to the circumstances.

(c) The Committee will be responsible for coordinating the awards program. These responsibilities shall include, but not be limited to, planning and scheduling award presentation ceremonies, obtaining the appropriate awards and certificates, and coordinating the involvement of nominees, citizens, and the news media in award presentation ceremonies.

929.5 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

(a) **Medal of Valor**- This is the highest award that may be presented for an act of valor displaying selflessness, bravery, heroism, and devotion to duty. Factors to be considered are did the action involved the preservation of human life. Was the situation was extremely hazardous, and the nominee was aware of the hazard. Did the action have a strong possibility of resulting in death or serious physical injury when the nominee acted, and the action was consistent with conduct depicting good judgment.

(b) **Commendation Medal for Valor**- This is the second-highest award that may be presented for exemplary performance that is above and beyond the normal scope of duties for the position held by the nominee. The Commendation Medal of Valor is presented to those whose actions were hazardous yet with an objective of sufficient

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importance to justify the risk. These heroic actions may have occurred during a one-time act or for performance over a period of time.

(c) **Lifesaving Medal**- This award is presented to those whose actions resulted in the saving of a life. The nominee must be aware of the seriousness of the situation and must have acted purposely, and without their actions it is more than likely that the victim would have died. The Life Saving Award may be presented if such actions led to the prolonging of life to the extent that the victim was released to the care of medical authorities, even if the victim should expire at a later time.

(d) **Distinguished Service Medal**- This award may be granted for clearly exceptional service over a protracted period of time. The Distinguished Service Medal is generally reserved for people who have provided years of outstanding service to a unit, division, assignment, and to the Department as a whole.

(e) **Police Purple Heart**- This award may be presented to a member who sustains serious physical injury or death while taking appropriate police action, or while protecting the life or property of another.

(f) **Meritorious Service Medal -** This award may be presented to members for service that has been exceptionally beneficial to a unit, division, assignment, or to the Department as a whole. The time of service would not bring this award to the level of a Distinguished Service Medal. The nominee has clearly made a significant and major contribution to the development of programs, policies, or procedures; or may have conducted a long-term investigation or solved a problem that had a major impact on the community.

(g) **Commendation Medal**- This award may be presented when members distinguish themselves by an exemplary performance that is above and beyond the normal scope of duties for their assigned position. The Commendation Medal may be awarded for a one-time act or for performance over a period of time.

(h) **Achievement Medal**- The Achievement Medal may be presented to those who set themselves apart from their co-workers by going above and beyond the scope of their normal duties, but to a lesser degree than any of the other medals that are available. The Achievement Medal is generally awarded for a one-time act or performance.

(i) **Community Service Ribbon**- This award may be presented to employees who have gone above and beyond what is required of them in their normal course of duty, making a positive impact on the community, or an individual within the community, through their selfless service, compassion, or passion for helping others.

(j) **Unit Citation**- The Unit Citation may be awarded to an established group within the Department that distinguishes themselves and brings credit to the law enforcement profession by highly credible acts in the performance of police duties. Such acts shall significantly rise above the excepted norms of police or community service and are conferred for operational excellence and non-routine conduct in a particular assignment. The Unit Citation may be awarded for cumulative operational excellence. For awards of cumulative operational excellence based upon statistical information, the nominating party needs to include comparative statistical information for the same sector and time frame (i.e., duration, other units, etc.).

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(k) **The Chief's Letter of Commendation**- A letter issued to any person for an act or achievement that brings credit to them or the Department, and that involves performance above and beyond that which would normally be expected of a member or a citizen. This act or achievement may be a specific instance, or an outstanding performance of general duties over an extended period of time.

(l) **The Ron Crump Officer of the Year Award**-

1. This award may be presented to a full-time Gresham Police Officer in recognition of sustained performance above and beyond that which is required by an officer's basic assignment.
2. The officer must be nominated by other Department members and selected by a popular vote of Department Members.
3. The selected Ron Crump Officer of the Year recipient will represent the Department at all business and service club annual "Officer Recognition" functions.
4. The Ron Crump Officer of the Year Award is limited to one recipient annually and may not be awarded to the same member for consecutive years.

(m) **The Mavis Murray Employee of the Year Award**-

1. This award may be presented to a full-time Gresham Police Department non-sworn employee in recognition of sustained performance above and beyond that which is required by an employee's basic assignment.
2. The employee must be nominated by other Department members and selected by a popular vote of Department members.
3. The selected Mavis Murray Employee of the Year recipient will represent the Department at all business and service club annual "Police Department Recognition" functions.
4. The Mavis Murray Employee of the Year Award is limited to one recipient annually and may not be awarded to the same member for consecutive years.

(n) **The Jeff Durbin Distinguished Traffic Officer Award**-

1. This award may be presented to an officer who has demonstrated outstanding performance in the area of traffic enforcement, traffic safety education, and/or community outreach activities that are traffic-related.
2. The Jeff Durbin Traffic Safety Award is limited to one recipient annually and may not be awarded to the same member for consecutive years.

The Chief of Police determines the criteria for each award and the selection, presentation, and display of any award.

929.6 WEARING BARS AND MEDALS

Members are authorized to wear award ribbons on their uniforms in accordance with these guidelines. All ribbons awarded and provided by GPD are authorized to wear. Approved ribbons awarded and provided by other agencies can be worn when approved by the Chief.

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(a) Guidelines for Wear:

1. Awards will be worn in order of precedent with the highest award being closest to the center line and the lowest toward the outside in descending order. Up to three ribbons can be worn in line in this manner.
2. If more than three separate ribbons have been awarded additional rows can be added. If there is more than one row, the order of precedent will be the highest award is on the top row and closest to center with the descending order continuing down the top row and continuing downward by row.
3. The ribbons will be worn directly above and centered on the name tape or name pin, on the right-hand side of the body, or the right side, upper chest of a non-sworn employee.
4. In the event a person has earned more than one of the same award, a silver star will be added to the ribbon, indicating the number of subsequent awards. The plain ribbon will signify the first award. A single silver star will represent the second award, two silver stars represent the third award, three silver stars represent the fourth award, and four silver stars represent the fifth award. If more than five awards have been given a second ribbon is authorized.

(b) The order of precedent in descending order is:

1. Medal of Valor
2. Medal of Commendation with Valor
3. Life Saving Award
4. Distinguished Service Medal
5. Police Purple Heart
6. Meritorious Service Medal
7. Medal of Commendation
8. Medal of Achievement
9. Community Service Award
10. Unit Citation

929.7 RECORD KEEPING

Copies of awards will be maintained as follows:

(a) Original to the recipient.

(b) Copy maintained by Awards Committee secretary.

(c) Copy to recipient's personnel file maintained in the Department's Administrative Files.

(d) Copy to HRD to be maintained in the recipient's official City personnel file.

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Peer Support Program

930.1 PURPOSE

To provide support for sworn and civilian employees dealing with stressors, primarily factors associated with cumulative workplace stress and/or critical incidents. Unresolved stress may negatively impact the employee's health, well-being, and job performance. In order to help all employees appropriately manage stress, the department will proactively work to provide employee wellness benefits, including maintaining a trained and well utilized Peer Support Team.

930.2 POLICY STATEMENT

It is the policy of the Gresham Police Department to provide emotional and psychological support for employees who experience cumulative stress over their career as well as those involved in single-incident, highly stressful situations encountered during their duties. Some of the ways the Gresham Police Department will accomplish this include, but are not limited to:

(a) identifying and making available, culturally competent counseling services;

(b) using the Peer Support Team to facilitate one-on-one check-ins, provide training and practical support regarding stress first aid, facilitate defusing meetings and critical incident stress debriefings (CISD) as needed.

The Peer Support Team may be comprised of sworn and civilian employees of the Gresham Police Department, department chaplains, culturally competent mental health professionals and other police agency critical incident support/trauma support members. All team members will be selected based on their knowledge, skill, experience, and ability to handle stress, more specifically those experiencing stress.

The Gresham Police Department adheres to the guidelines of Oregon Revised Statute (ORS) 181A.835 [formally 181.860] when referring to peer support membership and services. The department extends the communication protections set forth in this statute to include all department chaplains and all civilian members of the Peer Support Team.

930.3 DEFINITIONS

1. Peer Support Team

(a) A group of sworn and civilian employees of the Gresham Police Department, department chaplains, culturally competent mental health professionals and other police agency critical incident trauma support members who are trained to provide support to all employees of the department. Support includes but is not limited to: bringing up and talking about an employee's feelings and concerns, and directing an employee to additional help and resources as needed. Support from a team member is not considered clinical counseling or a professional mental health service.

(b) Peer Support Team members must be trained through an approved course of study in stress recognition and management (to include factors like critical incident stress

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management and debrief) to meet the definition described in Oregon Revised Statute (ORS) 181A.835. The Peer Support program is open to all department employees, regardless of rank, seniority or assignment. The Peer Support supervisor(s) will maintain an application process and solicit members as needed. The Chief of Police will approve recommended members of the Peer Support Team prior to appointment.

2. Confidentiality

(a) All members of the Peer Support Team have an obligation and duty to maintain strict confidentiality. Any statement or discussion with a team member while fulfilling his or her role on the Peer Support Team will remain confidential. While providing support, Peer Support members are prohibited from making notes or recordings of conversations in ways that would compromise confidentiality or otherwise expose an employee.

(b) The communication protections for all Peer Support Team members, while acting under the umbrella of peer support as outlined in ORS 181A.835, includes any communication made by an employee or counselor [team member] in a peer support counseling/meeting session and any oral or written information conveyed in a peer support counseling/meeting session. This information is not admissible in any judicial proceeding, administrative proceeding, arbitration proceeding or other adjudicatory proceeding.

(c) Communications and information made confidential under the statute (and/or other protected communication statutes) and this policy may not be disclosed by the participants in any judicial proceeding, administrative proceeding, arbitration proceeding or other adjudicatory proceeding. The limitations on disclosure imposed by this subsection include disclosure during any discovery conducted as part of an adjudicatory proceeding. The Gresham Police Department recognizes these same communication protections for internal affairs (IA) investigations.

(d) Nothing in this section limits the discovery or introduction in evidence of knowledge acquired by any public safety personnel or emergency services personnel from observations made during the course of employment, or material or information acquired during the course of employment, that is otherwise subject to discovery or introduction in evidence.

(e) Confidentiality does not apply to:

1. Any threat of suicide or homicide made by a participant in a peer support counseling/meeting session, or any information conveyed in a peer support counseling/meeting session relating to a threat of suicide or homicide;

2. Any information relating to abuse of children or the elderly, or other information that is required to be reported by law; or

3. Any admission of criminal conduct.

(f) Nothing in this section is intended to supersede any additional confidentiality privileges afforded to chaplain (clergy) members of the Peer Support Team found under ORS 40.260 (Rule 506- member of clergy-penitent privilege) or any counselor members of the Peer Support Team found under ORS 40.262 (Rule 507- counselor-client

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privilege), or any other such confidentiality protections afforded by Oregon or federal law.

3. Stress and Cumulative Stress

(a) Stress is a state of emotional, mental, and/or physical strain or tension resulting from adverse or very demanding circumstances. Stressors are derived from environmental, psychological and social situations that affect every employee in diverse and unique ways. No two persons respond the same to any given stimulus and it is scientifically recognized that unmitigated/unresolved stress is harmful to the body.

(b) Cumulative stress is stress which increases or grows in an employee by accumulation or successive additions; aggregated stress factors that build incrementally or exponentially based on an employee's response to stressors over time. It is recognized that cumulative stress is emotionally, psychologically, and physically harmful to a person's health and wellbeing.

4. Critical Incident

(a) Any incident that causes an employee to experience strong emotional, psychological and/or physical reactions which have the potential to interfere with their ability to function, either at the scene or after the incident. Critical incident stress usually only refers to stress experienced because of a given incident, although it can also play a significant role in an employee's cumulative stress.

(b) Examples of critical incidents include, but are not limited to:

1. Line of duty death;
2. Officer involved shooting or action resulting in serious injury or death of another, whether accidental or intentional;
3. Serious duty-related injury to an employee;
4. Suicide or suicide attempt of an employee;
5. Multiple casualty incident or serious accident;
6. Incident involving serious injury or death of a child;
7. Prolonged hostage or barricaded subject situation;
8. Situation where an employee feels personally threatened or their safety is compromised;
9. Prolonged incident that ends in serious injury or loss of life;
10. Any other incident that produces high levels of stress or has a powerful impact on an employee. This can include being forced to bear witness to an instance, action or circumstance that constitutes a violation or perceived violation of one's own moral code.

5. Defusing

(a) A brief, confidential discussion between a member of the Peer Support Team and an employee involved in a stressful incident, immediately following that incident or as soon as practical. The purpose of the defusing is to help restore the employee's

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cognitive state and prepare them for stress-related reactions from the incident. This is done in part by normalizing an employee's response and providing hope for a positive outcome. Defusing is an integral part of ongoing stress first aid.

6. Stress First Aid (SFA)

(a) Stress First Aid (SFA) is a self-care and peer support model originally developed for those in high-risk occupations like military, fire and rescue, and law enforcement. It includes five essential elements and seven "Core Actions" that help identify and address early signs of stress reactions in oneself in an ongoing way (not just after "critical incidents").

(b) While stress reactions may be relatively common in stressful jobs, SFA can be used by anyone who is in an ongoing stressful situation, particularly when functioning is impaired or there is significant distress involved, such as:

1. No longer feeling like their normal self
2. Loss of control of emotions or behavior
3. Excessive guilt, shame, or blame
4. Panic, rage, or depression

(c) The Stress Continuum Model is a foundational part of SFA, developed as a way to assess the level of one's own and other's stress responses.

(d) The #ve essential elements of immediate and mid-term intervention that are related to better recovery from stress are:

1. Promote a sense of safety;
2. Promote calming;
3. Promote connectedness;
4. Promote sense of self and collective efficacy; and
5. Promote a sense of hope.

7. Critical Incident Stress Debriefing (CISD)

(a) A formal Critical Incident Stress Debriefing (CISD) is a small group discussion centered around the idea of a **psychological/emotional debrief**, providing psychological and emotional support immediately following a potentially traumatic event.

(b) The goal of a psychological/emotional debrief is to assist with the processing of emotions related to a potentially traumatic experience in hopes of preventing the development of post-traumatic stress disorder and/or other negative aftereffects. Although the CISD may include discussions of tactics used during the incident, this should only pertain to how tactics related to a person's emotional response. This CISD is different from and will not replace a tactical debriefing.

(c) The CISD is a confidential, generally single-session meeting, and typically occurs within a reasonable amount of time after the incident. The meeting will only include

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employees involved in an incident and Peer Support leaders. Although a CISD should ideally be held within three days of an incident, the specific timing depends on a several factors (e.g.: nature and severity of the incident, district attorney inquiry into the incident, and the involvement of an employee's union).

8. Support Services

(a) Interventions which may be utilized by Peer Support Team members to provide a range of support services to department employees and their families include but are not limited to:

1. Follow-up Services: Contact with department employee following initial services provided by a Peer Support Team member.
2. Individual Support: One-on-one support available to employees with any Peer Support member, about topics that may impact the personal life and/or job performance of the department employee.

9. Support Team Coordinator

(a) A member of the Peer Support Team who is designated to perform the administrative duties of the team and is responsible for managing their service. The Chief of Police will approve the recommended coordinator prior to their appointment.

1. Administrative duties include: scheduling team meetings; coordinating notices to employees about what the team is doing and what service they are able to provide; recommending a debrief take place and designating who will facilitate a debriefing; assisting with assigning a team member to connect with an employee; and recommending additional services be offered to an employee.
2. The assigned Peer Support Team Coordinator may designate another team member to act in the capacity of the coordinator when the assigned coordinator is not available.

930.4 STRESS FIRST AID PROCEDURE

(a) Stress First Aid (SFA) is both an immediate response to a stress event and an ongoing, more informal procedure as compared to a CISD. Any member of the Peer Support Team, the Gresham Police Department, or public may confidentially provide information and request or suggest a Peer Support Team member contact/check in with an employee. Likewise, any employee may contact a team member on their own volition.

(b) With SFA, there is no threshold for what defines a stressful or traumatic event. The SFA procedure recognizes individuals respond to incidents very uniquely, stress reactions occur on a continuum, and early awareness and response could bring a person back into a less severe zone before they need for more formal intervention. Through SFA, connection is designed to reduce the initial distress caused by stressful or traumatic events and to foster adaptive functioning and coping, while not assuming an employee will develop severe mental health problems or long-term challenges.

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(c) The Peer Support member who is notified about an employee may consult with the Peer Support Team Coordinator or other designated team member(s) at their discretion, to ensure adequate support is given. As deemed necessary by the team member, suggestions to connect with a department chaplain or clinical counselor may be offered. All contact between Peer Support Team members and between a team member and another employee is confidential as noted in 930.3.(2) of this policy. SFA will also incorporate a component of department-supported trainings on topics like stress first aid, physical, psychological, and emotional wellbeing as preventative measures in a holistic approach to employee wellness. In this, Peer Support Team members will be active in the department's overall wellness program.

930.5 CRITICAL INCIDENT STRESS DEBRIEFING (CISD) PROCEDURE

(a) At the conclusion of a critical incident, the appropriate sergeant, command staff member, or the Peer Support Team Coordinator may determine an emotional debrief is recommended for employees who were directly or indirectly involved in the critical incident. The recommendation will be routed through the chain of command to the Chief of Police.

(b) All persons involved in an incident make a valuable contribution to a successful recovery process. Attendance at a debrief is mandatory, unless excused by the Chief of Police or his/her designee, but participation is always voluntary. Debriefings will normally be facilitated within three (3) days of the critical incident. A Grand Jury investigation, Use of Force Review or similar investigation may delay a debriefing, in which case the debriefing will be held as soon as possible following the investigation(s).

(c) Any incident resulting in one or more of the following conditions may trigger a request by the appropriate sergeant/command staff member, or the Peer Support Team Coordinator for a CISD:

1. Many employees appear distressed following an incident.
2. Many employees appear distressed following a defusing session.
3. Employees demonstrate negative or concerning behavioral changes.
4. Employees request help.
5. The event is deemed extraordinary.

(d) When a CISD is deemed necessary, the department will provide a structured debriefing guided by a standardized group process model, like that approved by the International Critical Incident Stress Foundation (ICISF). The debriefing facilitator can adapt a group process model to suit the specific needs of the involved employees, based on the situation. Peer Support Team members must judge the timing of the CISD meeting on a case-by-case basis and coordinate with Gresham Police Department command staff.

(e) The Peer Support Team Coordinator or his/her designee will conduct the debrief.

(f) Debrief participants will only include Peer Support leaders and individuals who were directly or indirectly involved in the critical incident, and will not include persons

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simply curious about the incident, administrative personnel (unless involved, directly or indirectly, as part of the incident), or student observers. Trained Peer Support members from other agencies may be present to assist if approved by the Support Team Coordinator or their designee.

(g) Debriefing(s) can be done in one group or broken into smaller groups based on the situation and at the discretion of the Peer Support Coordinator or their designee. For example, an incident which triggers a CISD may justify separate debriefs for:

1. The sworn officers on scene
2. The Records personnel who coordinated response efforts for the incident, or
3. The coordinator may decide to join the two sections for a combined debrief.

(h) All members of the Peer Support Team have an obligation and duty to maintain strict confidentiality as noted in 930.3 (2) of this policy. Any statement or discussion within a CISD will remain confidential within the confines of ORS 181A.835 and in consideration of special rules noted in sections 930.3 (2) d and e of this policy. Peer Support members are prohibited from making notes or recordings of conversations while providing support in a CISD.

930.6 GENERAL PEER SUPPORT TEAM USAGE AND RULES

(a) By law, communications between the Peer Support Team member(s) and an individual is considered privileged/protected. It is the policy of the Gresham Police Department that Peer Support members will not be questioned concerning specific support services extended to an employee. Peer Support members may make recommendations to the Support Team Coordinator for referral to additional assistance services if they feel additional support may be needed for an employee. The Support Team Coordinator will evaluate the recommendation and refer it to the command staff as appropriate (e.g.: leave recommendations). Confidential information will not be disclosed during this process except as required by law.

(b) Neither the police department nor the City of Gresham will seek any information from a Peer Support Team member about any service they provide, other than verifying those in attendance of a mandatory debriefing.

(c) Peer Support members who violate confidentiality will immediately be dismissed from the program and may be subject to additional disciplinary action. They will be ordered by the Chief of Police to not speak further regarding any privileged information related to their assignment as a Peer Support Team member.

(d) To avoid conflicts of interest/job function, Peer Support members will not hold a Peer Support Team role for an incident while simultaneously holding an investigative, administrative, or disciplinary role in the same incident.

(e) Before being utilized in a peer support role, a newly assigned Peer Support Team member will receive initial training regarding Peer Support, Stress First Aid, Critical Incident Stress Management, and Critical Incident Stress Debriefing. Training will emphasize the nature of critical incidents and the different ways stress associated with these types of incidents and the job in general affect emergency service personnel.

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Training will provide the member with guidance regarding how to positively manage stress associated with critical incidents and cumulative job strain.

(f) For on-going education and team certification, Peer Support Team members will attend at least one training per year that directly relates to their peer support assignment.

(g) All department employees will receive education during in-service training related to wellness and other peer support topics (e.g.: mental and physical health, proper nutrition, and combating the effects of stress). This training will include updates regarding developments in the field of stress management, updates regarding services provided by the department and other service providers, and relevant discussion regarding current issues related to the aforementioned topics.

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Lead Exposure

931.1 PURPOSE AND SCOPE

To promote safe and healthy workforce as outlined under City of Gresham Personnel Policies, Policy Number 65.0, Safety Policy. Also, to ensure compliance with all applicable provisions of OAR 2Z, 1910.1025 Lead, Appendices A and B to provide procedures for identifying possible lead exposure in the workplace and ensuring a safe work environment for all employees who must work in areas where possible lead exposure exists.

931.1.1 DISCUSSION

(a) The City of Gresham is committed to ensuring a safe work environment for all employees. This also includes advising affected employees about potential hazards like lead exposure in the workplace. Lead may be present during firearms training, when soldering metal, working with batteries, and using some paints. These are examples and are not all inclusive of possible exposures in the Gresham workplace. It is the goal of the City of Gresham to reduce the potential hazards of lead exposure by instituting effective administrative controls, procedures, and training.

(b) It is the City's full intent to protect and preserve the health of employees. The City routinely reviews the program developed and outlined in this compliance plan and attempts to improve the program where feasible. If the work area lead is reduced below the Action Level, the City reserves the right to terminate any or all of the phases of this program. Risk Management shall maintain these monitoring records in medical files for at least forty years or for the duration of employment plus twenty years, whichever is longer.

931.1.2 DEFINITIONS

(a) Action Levels (AL): Employee exposure, without regard to the use of respirators, to an airborne concentration of lead of thirty micrograms per cubic meter of ir (30 ug/m3) averaged over an eight-hour period.

(b) Exposure Monitoring: Monitoring exposure of lead concentrations that occur &nsp; when the employee is not wearing a respirator.&nsp;

(c) Lead: Metallic lead, inorganic compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(d) Permissible Exposure Limits (PEL): Lead concentration exposure less than fifty micrograms per cubic meter of air (50 ug/m3) averaged over an eight-hour period.

931.2 EXPOSURE MONITORING

(a) Initial Monitoring

1. The City will obtain monitoring for the initial determination of possible lead exposure levels. This may be limited to a representative sample of the exposed employees who the Risk Manager reasonably believes are exposed to the greatest airborne concentrations of lead.

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2. Within five working days after the receipt of the monitoring results, Risk Management shall notify each employee in writing of the results that represent that employee's exposure.

3. Whenever the monitoring results, without regard to respirators, exceeds the permissible exposure limit; Risk Management shall prepare a written notice to all affected employees that the permissible limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

(b) Additional Monitoring

1. If there are any changes in work place practices that may result in new or additional exposure to lead, or whenever the Department Head or Risk Manager has any other reason to suspect a change which may result in exposures to lead, additional monitoring will be completed in accordance with OAR 2Z, 1910.1025 Lead Exposure.

931.3 WORKPLACE EXPOSURE TO LEAD

(a) The most common area where there is a potential to lead exposure at a work sites frequented by City of Gresham employees is:

1. All firing ranges where ammunition is being spent/fired by handguns, rifles, shotguns, or other defined weapon.

931.4 SAFE WORKPLACE PRACTICES WHEN WORKING AROUND LEAD

(a) Whenever employees are working with lead containing material, or performing processes that may release airborne lead, the following safe workplace practices will be observed:

1. No eating, drinking, chewing, or smoking while working with lead containing materials;

2. Employees will wash their hands before eating, drinking, chewing, or smoking after working with lead containing materials;

3. Gloves may be available for use by employees while working with lead containing materials; and as directed by Department procedures, especially when police department staff are picking up spent cartridges at the firing range;

(b) Supervisors and Employees will review Safety Data Sheets (SDS) so that employees will have knowledge of lead containing materials.

1. The Gresham Police Department will use handgun ammunition with an enclosed base or lead and heavy metal free primers when training.

931.5 RECORDKEEPING

(a) Risk Management shall establish and maintain an accurate record of all monitoring. This record shall include:

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1. The date(s), number, duration, location and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;
2. A description of the sampling and analytical methods used and evidence of their accuracy;
3. Name, employee number, and job classification of the employee monitored and of all other employees, whose exposure the measurement is intended to represent; and
4. Environmental variables that could affect the measurement of employee exposure.

931.6 TRAINING

(a) All employees, who have a potential for lead exposure, shall receive training on the potential health hazards of lead exposure. Training will address the following:

1. Hygiene practices to reduce exposure to lead contaminate;
2. Review of the procedures concerning lead exposure, workplace safety practices;
3. Review of health concerns related to lead exposure; and
4. Distribution of OAR 2Z, 1910.1025 Lead, Appendix A and Appendix B .

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Trade Time

932.1 PURPOSE AND SCOPE

To facilitate an effective utilization of personnel resources through the use of trade time.

This procedure outlines the rules for:

(a) How and when the member may “trade days off with themselves.”

(b) How the member may “trade shifts with another member.”

(c) Employee’s responsibilities for ensuring proper trade authorization is completed and approved.

(d) Supervisor’s responsibilities for ensuring trade time approved in accordance with this policy.

(e) Distribution of trade authorization forms.

(f) How to document trade time for payroll purposes.

932.2 POLICY

To establish an orderly and efficient method of enabling members to trade shifts. The policy includes the following criteria:

(a) Trade time will be mutually agreed upon between both the department and the member.

(b) Trade time will be limited to one (1) trade per month, not to exceed three (3) consecutive days and not less than one-half of a shift.

(c) Trade time will be approved through the affected shift supervisors.

(d) Trade time off will be paid back (worked) within 30 days and the specific dates must be shown on the form for the time to be approved.

(e) Trade time will not be approved if any member would ultimately work two (2) full consecutive shifts.

(f) Trade time will not be approved if any member would ultimately work more than seven (7) consecutive days.

(g) Trade time will not be approved by the department simply to cover shifts.

(h) Trade time will not be approved when vacation or holiday time in excess of the annual accrual is available and there is sufficient personnel on the shift (i.e., minimum field strength).

(i) Trade time will not result in additional pay or overtime liability to the City.

932.3 TRADE DAYS WITH SELF

Members may trade days off in accordance with the specific criteria outlined in 932.2. When this is done the member would record time on the TRADE W/ line of the DAR form as follows: TRADE W/ self.

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932.4 TRADE SHIFTS WITH ANOTHER MEMBER

Members may trade shifts with another member in accordance with the specific criteria outlined in 932.2. When this is done the member working the trade time would record time on the TRADE W/ line of the DAR form. Following TRADE W/ the member would record the DPSST number of the person the time is traded with. i.e., TRADE W/11233.

932.5 EMPLOYEES' RESPONSIBILITIES

It will be the responsibility of the member(s) involved to obtain proper authorization for trade time and to document the time accordingly.

932.6 SUPERVISORS' RESPONSIBILITIES

Supervisors will ensure that no trade time is authorized that does not meet the specific criteria as outlined in 932.2.

932.7 FORM DISTRIBUTION

(a) Upon approval of the “Trade Time Authorization Form”, it will be distributed by the affected members as follows when trading with another member:

1. White copy – Attach to DAR sheet showing initial trade (1st person).
2. Yellow copy – Attach to DAR sheet showing trade back (2nd person).
3. The pink and goldenrod copies may be kept by the trading members for their records.

(b) When members trade time with themselves distribution will be as follows:

1. White copy – Attach to DAR sheet showing time worked in lieu of normal duty.
2. The remaining copies may be kept by the member or discarded.

932.8 ACCOUNTING OF TRADE TIME

(a) Members will obtain written approval of trade time at least 48 hours in advance of the actual date of the trade, except in bona fide emergencies. Trades will not be approved any sooner than 72 hours before the trade is to take place.

(b) Members will utilize the “Trade Time Authorization Form” to document the trade time.

1. See attachment: TRADE TIME AUTHORIZATION FORM.pdf

(c) Members will account for time worked on the DAR sheet as if it were a normal day worked showing appropriate programs, sub-programs and activities.

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Internal Affairs

934.1 PURPOSE AND SCOPE

(a) This procedure is established as a method of insuring that complaints against members of the Department will be investigated immediately, thoroughly and impartially to:

(b) Maintain public confidence in the integrity and propriety of Department members; and

(c) Clear any member who is improperly accused; or

(d) Correct an errant member in accordance with their rights; or

(e) Institute disciplinary action, when appropriate.

934.2 COMPLAINTS

(a) A complaint that requires the use of this procedure is any allegation of misconduct on the part of a Department member by another member of the Department, other agency, or any citizen, which alleges:

1. Violation of any law; and/or
2. Violation of any Department order.

(b) Exceptions to the use of this procedure:

1. A complaint by any person about a Department procedure, policy or order. Matters of this nature will immediately be accepted by any member and reported via memorandum through the chain-of-command to the Chief of Police for evaluation and resolution.
2. Lieutenant or designee determines complaint will not lead to disciplinary action greater than a letter of admonishment.

934.3 RECEIVING AND REPORTING COMPLAINTS FROM OUTSIDE THE DEPARTMENT

(a) Every member of the Department has the responsibility to:

1. Immediately and politely accept a complaint made by any person at any time.
2. Inform the complainant that the matter will be investigated. No remarks will be made to discourage cooperation by the complainant.
3. Request the complainant complete a “Citizen Comment Form” (APPENDIX 934A). Inform the complainant that this information will assist in the investigation and permit the Chief of Police to inform them of the results. If a complainant does not wish to provide this information in writing, it will in no way affect the course of this procedure.
4. Initiate a memorandum explaining the details of accepting the complaint and attach it, with any related material such as Department reports, to citizen’s written comments.

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(b) Handling the Citizen Comment Form

1. Citizen Comment Forms received through the mail or presented to any member will be forwarded to the Office of the Chief of Police for purposes of review and logging.
2. Citizen Comment Forms will then be forwarded to the involved member's Division Commander for resolution.

934.4 INITIATING A COMPLAINT WITHIN THE DEPARTMENT

(a) Any member of the Department who has cause to believe that another member has acted in a manner seriously contrary to the public interest or the good reputation and/or operation of the Department by violating a law or Department order will initiate a memorandum. The memorandum will contain the necessary facts to substantiate the charges. The memorandum will be submitted to the accused member's immediate supervisor.

(b) If the accused member is a command officer (equivalent lieutenant or above including all Department non-represented members) the memorandum will be submitted directly to the Chief of Police and the manager of Human Resources. The manager of Human Resources or his designate will be charged with the responsibility of internal investigations involving these members.

(c) Nothing in these procedures will prevent a superior from properly admonishing a subordinate in those instances where no more stringent action is required. Such action will be recorded in the member's performance log.

(d) If a complaint against a member of the Department alleges current serious misconduct such as intoxication while on duty, physical mistreatment of a person, a criminal law violation, etc., the member who records the complaint will request the complainant remain or make themselves available for immediate interview by the accused member's supervisor, of if unavailable, the next person in command.

(e) Upon notification of the complaint, the supervisor or next in command will interview the complainant in addition to requesting the complainant complete the "Citizen Comment Form" and complete a preliminary report. The preliminary report shall be conducted only to the extent as to establish reasonable suspicion to believe a violation of Department rule, regulation or procedure has occurred.

934.5 INVESTIGATION OF COMPLAINTS

(a) The supervisor will forward a memorandum to the next in command who will assess the nature of the complaint and determine if an Internal Affairs investigation is warranted based upon the severity of the allegation and/or Department practice.

(b) Upon the initiation of an Internal Affairs investigation, the initiator will:

1. As soon as possible, obtain a control number from the Office of the Chief of Police.

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2. Notify the Division Commander of such action by memorandum, which outlines a summary of events leading up to the Internal Affairs investigation, the identity of the accused member and the violation(s) to be investigated.

3. As soon as possible, deliver a copy of the complaint to the accused member. (The complaint will not be provided to the accused member if the complaint is solely of a criminal nature).

(c) If the complaint does not involve misconduct as described above in subsection 934.4d, the investigation will be handled as follows:

1. The member receiving the complaint will give it to the on-duty supervisor who will attempt to resolve minor complaints at their level. If unresolved, the complaint will be forwarded to the supervisor's next in command.

2. The next in command may also attempt to resolve minor complaints at their level. The complaint, if in written form, will be forwarded through the chain-of-command to the Chief of Police and shall include a memorandum explaining what action was taken to resolve the matter.

3. For unresolved complaints, members with the equivalent rank of lieutenant or above may initiate an Internal Affairs investigation. Upon initiation they will:

(a) As soon as possible, obtain a control number from the Office of the Chief of Police.

(b) Notify the Division Commander of such action by memorandum, which outlines a summary of events leading up to the Internal Affairs investigation, the identity of the accused member and the violation(s) to be investigated.

(c) Deliver a copy of the complaint to the accused member and continue with the investigation as per Department procedure.

934.6 CONTROL OF INFORMATION

(a) A master complaint log will be maintained by the Office of the Chief of Police. The following information will be recorded in the log:

1. "IA" number ("IA" – current year, then sequential number (i.e. IA 02-1.).

2. Date complaint received.

3. Complainant's name.

4. Nature of complaint, i.e. rule violation number or other appropriate designator.

5. Date incident occurred.

6. Location of incident.

(b) The log shall be securely maintained and its contents will only be released through the Office of the Chief of Police.

(c) All Department Internal Affairs investigations will be conducted by the guidelines established in subsection 934.7 regarding Internal Affairs investigations. All

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members conducting Internal Affairs investigations will use the step-by-step guidelines ("Preparation Checklist" and the "Investigation Checklist") as prescribed in APPENDIX 934C of this Policy.

(d) During the course of the investigation, members being investigated are prohibited from contacting the complainant except in the normal course of duties, or unless so directed and accompanied by the assigned investigator. This does not preclude Police Association or Labor Union representatives or their attorneys from contacting complainants and witnesses in the course of their investigation.

(e) Once a complaint has been delivered to the Police Department, the complainant will be contacted by the assigned investigator. Members being investigated will normally be notified by the assigned investigator that they are being investigated and will sign the complaint form indicating acknowledgement that a complaint has been logged. The only exception would be a criminal investigation.

934.7 INVESTIGATION GUIDELINES

All Department internal investigations will be conducted in conformance with the following guidelines.

(a) If suspicion exists indicating a member has committed a crime that member must not be subject to methods or procedures of investigation not used in the normal course of criminal investigations and proper police practice(s). If questioning occurs or is to occur in an investigation wherein the information obtained may be used in a criminal or civil rights proceeding, the employee must be completely apprised of his state and federal legal rights as well as any applicable collective bargaining agreement rights.

(b) If interviews are conducted to obtain information for use in an administrative process decision, the member must be advised that failure to answer all questions relating narrowly and directly to the matter under investigation may result in a separate and distinct investigation and may result in severe disciplinary action, including dismissal for insubordination. The member will be advised information obtained through this process may not be used against the member in any criminal or civil rights proceedings.

(c) Interviews will be held at a reasonable hour at the Department facility. The Department will make a reasonable good faith effort to conduct interviews of an accused member during the member's regularly scheduled shift. Individual case circumstances may require and justify departure from this guideline. The member and the member's legal representative shall be provided at least seventy-two (72) hours advance notice of any interview of the member.

(d) The member under investigation and the member's legal representative must be informed of who is in charge of the investigation and who will be conducting the interviews.

(e) The member and the member's legal representative will be informed in sufficient detail so that the member understands the nature of the investigation prior to the time interviews commence.

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(f) The length of interviews will be of reasonable duration, with breaks periodically for personal necessities such as meals, telephone calls, rest, etc.

(g) The member will not be subjected to any form of physical or psychological abuse, including offensive language, inducements or coercion to obtain answers to questions.

(h) The member has the right to have legal counsel or an Association representative present during the interview. Legal counsel shall be paid for by the member. Another member may appear as a witness or representative of the member. The Department and/or the member and/or the Association may electronically record an interview.

(i) Upon request, the member and the member's legal representative has a right to a copy of all documents and information contained in the Internal Affairs process. The member and the member's legal representative will be given the requested copies at least three (3) working days before the IA interview for which the copies are requested. This right to obtain copies of information does not apply to investigations that are solely and distinctly criminal investigations, in which case regular police practices or reporting to the District Attorney will occur. Signing of documents may be required of a member to indicate the member has received the documents.

(j) Investigations, when assigned, will have a completion time deadline. If the assigned investigator is not able to comply, a status report will be given to the Chief of Police explaining progress made to date.

(k) Individual case circumstances may be such that an opinion for disposition recommendations is desired from more than one (1) individual. In such cases, the Chief of Police has the option to convene a board of review to provide recommendations. The board’s findings will be advisory only.

(l) Confidentiality of personnel matters is a right of both the employee and the Department. No person involved in the disciplinary process will discuss specific circumstances with any unauthorized person.

(m) Interviews shall be limited in scope to activities, circumstances, events, conduct, or acts that pertain to the incident which is the subject of the investigation, provided that nothing prohibits the Department from questioning a member about information which is developed during the interview.

(n) In criminal investigations, the investigator shall notify the member of the criminal nature of the investigation prior to the interview and shall instruct the member that a refusal to answer questions asked by the investigator will not be a basis for disciplinary action against the member. The investigator should also notify the member that s/he has the right not to participate in the interview, and the right to terminate the interview, without resulting discipline.

(o) In all investigations related to or directed at a member of the Department, the Department will also adhere to ORS 236.350 et seq.

934.8 REPORTING ON INVESTIGATIONS AND FINDINGS

(a) The investigator will provide the Office of Chief of Police a progress report within seven (7) days of the date the complaint was received, and each seven (7) days thereafter

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until the investigation is completed. Except where the needs of the investigation require that it take longer, the investigation shall normally be completed within forty-five (45) days of the date the investigation began.

Upon completion of the investigation, the investigator will provide the accused member's Division Commander with the documentation of the investigation/ determination for review. The Division Commander will then forward all documentation of the investigation including specific recommendations for appropriate action to the Chief of Police.

The Office of the Chief of Police will then prepare a disposition sheet listing the subject, the member involved, the name of the complainant, the nature of the complaint, the findings, and the action taken relative to the complaint (format of disposition is shown in APPENDIX 934B - "DISPOSITION REPORT" .)

(b) **Reports are confidential.** Distribution will be limited to the accused member, the accused member's legal representative and the appropriate Association or union representative.

(c) Based upon the facts included in the report, the investigation must indicate whether or not a law or Department order was violated. One of the following findings will then be made for each specific allegation citing the specific facts related to the law or Department order that was violated.

1. **Unfounded** – The allegation is false or not factual.
2. **Exonerated** – The alleged incident occurred, but was lawful and proper.
3. **Not sustained** – There is insufficient evidence to prove or disprove the allegation.
4. **Sustained** – The allegation is supported by sufficient evidence to substantiate the allegation.

(d) If the allegation is sustained, the appropriate disciplinary action will be taken by a command level officer (see subsection 934.9 - Penalties).

(e) If the findings are "**Unfounded**", "**Exonerated**", or "**Not Sustained**", no record of the investigation will be placed in the members personnel file or performance log. It is to be clearly understood that only a fully investigated and clearly proven "**Sustained**" allegation will result in disciplinary action, or recorded in the involved member's personnel file or performance log.

(f) Written notification will be given to the accused member, the accused member's legal representative and the appropriate Association or union representative of the complaints final disposition (APPENDIX 934B) and will be signed by the Chief of Police. A copy of the final disposition sheet will normally be sent to the involved member's Division Commander. The Division Commander will destroy the copy after review.

(g) All internal investigation files will be retained under security of the Chief of Police. The files will include original documents pertaining to the investigation.

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934.9 PENALTIES

(a) The following penalties may be assessed by the equivalent rank lieutenant or above, within their chain-of–command, against any member who is subject to disciplinary action.

1. Oral Reprimand.
2. Letter of Admonishment.
3. Written reprimand which shall be part of the member's personnel record for such a period as prescribed by the Chief of Police or the City Manager in accordance with OAR 166.300.0040.

(b) The following penalties/remedies may be assessed by the Chief of Police and/or City Manager against a member who is subject to disciplinary action:

(c) Oral Reprimand (represented member and non-represented member).

(d) Letter of Admonishment (represented member and non-represented member).

(e) Written reprimand which shall be part of the member's personnel record for such a period as prescribed by the Chief of Police or the City Manager in accordance with OAR 166.300.0040 (represented member and non-represented member).

(f) Corrective schooling or training as prescribed by the Chief of Police (represented member and non-represented member).

(g) Suspension from duty without pay (represented member only).

(h) Demotion in job classification or salary step (represented member only).

(i) Dismissal (represented member and non-represented member).

934.10 SUMMARY PAID ADMINISTRATIVE LEAVE

(a) Superior and supervisory members are authorized to administer summary paid administrative leave for certain infractions of Department orders at the time they occur by immediately placing a subordinate represented member on paid administrative leave and removing such member from active duty for their current shift or the remainder of their current shift.

1. Inform the member that he is on paid administrative leave for that shift and the reason therefore, and immediately relieve the member from duty.
2. Complete a memorandum explaining the use of paid administrative leave with a recommendation as to whether or not further disciplinary action is warranted.
3. Immediately forward the memorandum through channels to the Chief of Police.
4. Ensure that the correct payroll entry is made. If the paid administrative leave is for part of a shift, the hours actually worked will be entered in a normal manner.

(b) A paid administrative leave member will be paid for the period of time worked and for the duration of the paid administrative leave or until a due process hearing opportunity is provided to the member to change his status to administrative leave without pay pending the outcome of the investigation and subsequent discipline. Such

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due process will only be provided to give the member an opportunity to address the Department consideration to change the employee's status from paid to unpaid.

934.11 NOTIFICATION

(a) Suspensions, demotions and discharges will appear on a Department personnel order. The complainant will be notified in writing of the outcome of the investigation, whether the complaint was sustained or not. The Department may advise the complainant that corrective action is being taken, but shall not divulge the specific action taken against the employee.

934.12 APPEALS

(a) Any accused or disciplined member may appeal discipline in the following order:

1. Chief of Police
2. City Manager

(b) This section shall be used only by those members not covered by any labor agreement regarding appeal.

934.13 EXPUNGEMENT FROM PERSONNEL FILES

(a) Expungement of disciplinary records pertaining to internal affairs investigation will be made as specified in union labor agreements for union members. Expungement of disciplinary records for all other members will be made in accordance with the City's Personnel Rules.

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Administrative Processing of Disciplinary Actions

935.1 PURPOSE AND SCOPE

(a) To establish guidelines for the administrative processing of disciplinary actions.

935.2 PROCEDURE

(a) All orders issued relating to disciplinary action of a member shall be identified as a Personnel Order utilizing number 206.2 (see Policy 206, Administrative Communications).

(b) Disciplinary actions will be maintained as follows:

1. Original – employee's official file located in the Human Resources Department
2. Copy – employee's working file located in the Administrative files in the Department

(c) The Chief of police will designate a Department member, per Special Order, to maintain Department Disciplinary Personnel Orders and ensure compliance with the administrative processing guidelines set forth in the procedure.

(d) Disciplinary Personnel Orders will be issued solely by the Chief of Police.

935.3 RETENTION AND DESTRUCTION

(a) Retention and destruction of Disciplinary Personnel Orders will comply with OAR 166-200-0090.

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Citizen Comment Procedure

936.1 PURPOSE AND SCOPE

(a) To assist in measuring the quality and effectiveness of service the Gresham Police Department provides, it is our policy to encourage citizens to provide comments regarding the service, operations, or members of this Department.

(b) The purpose of this procedure is to establish guidelines to ensure citizen's comments are reviewed and appropriate action is taken when necessary.

936.2 CITIZEN COMMENT PROCESS

(a) A citizen comment form (APPENDIX 936A) will be used by citizens who wish to submit written comments including commendations, suggestions, and complaints to the Chief of Police. Additionally, these forms will be used to assist in the evaluation of services provided by the Department and the development of operational priorities.

(b) These forms will be made available to citizens by all members of the Department and a supply will be maintained at the Records Section counter for citizens to take and complete.

(c) All citizen's commendations and suggestions will be forwarded directly to the Chief of Police. Receipt and handling of a citizen's written complaint shall be done in accordance with Policy 934, Internal Affairs.

(d) If necessary, the Chief will forward the citizen comments to the appropriate Department member for follow-up, investigation, or information.

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Chapter 10 - Special Operations and Units

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Police Training Officer Reno Model

1000.1 PURPOSE AND SCOPE

The Police Training Officer (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 Gresham Police Department.

It is the policy of this department to assign all new police officers to a structured, PTO Program that complies with DPSST training requirements, designed to prepare the new officer to perform in a patrol assignment and possess all skills needed to operate in a safe, productive and professional manner.

1000.2 POLICE TRAINING OFFICER SELECTION AND TRAINING

The Police Training Officer (PTO) is an experienced officer who receives additional training in a certified, field trainer program how to supervise, train and evaluate entry level and lateral police officers while applying their previously acquired knowledge and skills.

1000.2.1 MINIMUM REQUIREMENTS

PTO's will be selected based on the following requirements:

(a) Desire to be a PTO

(b) A minimum of patrol experience years determined by the department (for example: 3 years of patrol experience, 2 of those years with the Gresham Police Department)

(c) Off probation with the Gresham Police Department at the time of appointment

(d) Must disclose to the supervisor completing the required questionnaire that they have received a score lower than "meets" or "exceeds" expectations over the last two annual reviews. That supervisor will take the score into consideration while completing the questionnaire and this score may affect the final outcome of the selection process

(e) Officers must have a satisfactory attendance records

(f) Officers must currently be assigned to Operations as a uniformed patrol officer or returning within the calendar year (for example, K9, Traffic, or EMGET)

(g) No sustained Internal Affairs complaints for one year prior to application to the PTO program

1000.2.2 TRAINING

An officer selected as a Police Training Officer shall successfully complete an approved Police Training Officer's Course prior to being assigned as an PTO.

1000.3 POLICE TRAINING AND EVALUATION PROGRAM SUPERVISOR

The PTO supervisor will be selected from the rank of sergeant or above by the Services Division Captain or his/her designee and shall possess a DPSST Supervisory Certificate.

The responsibilities of the PTO supervisor include the following:

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(a) Assignment of trainees to PTOs

(b) Conducting PTO meetings

(c) Maintain and ensure PTO/Trainee performance evaluations are completed

(d) Maintain, update and issue the Field Training Manual to each trainee

(e) Monitor individual PTO performance

(f) Monitor the overall PTO Program

(g) Maintain liaison with PTO Coordinators of other agencies

(h) Maintain liaison with academy staff on recruit performance during the academy

(i) Develop ongoing training for PTOs

1000.4 OFFICER IN TRAINING DEFINED

Any entry level or lateral police officer newly appointed to the Gresham Police Department who has successfully completed a DPSST approved Basic Academy or equivalent state certified academy.

1000.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of six weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Police Training Officers, shifts and geographical areas during their Police Training Program.

1000.5.1 DPSST FIELD TRAINING MANUAL

Each new officer will be issued a DPSST Field Training Manual at the beginning of his/her Phase A. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Gresham 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 DPSST Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Gresham Police Department.

1000.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

1000.6.1 POLICE TRAINING OFFICER

The PTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the OIT's Journal on a daily basis

(b) Review the journals with the trainee each day

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(c) Complete a detailed Critical Training Report on his/her assigned OIT at the end of each phase of training

(d) Sign off all completed topics contained in the DPSST Field Training Manual

1000.6.2 PTO SUPERVISOR
The PTO Supervisor will review and approve the Journals submitted by the PTO and OIT.

1000.6.3 OFFICER IN TRAINING
OITs will complete Daily Journals by the end of each shift. At the completion of the PTO Program, the OIT shall submit a confidential performance evaluation on each of their PTO's and on the PTO Program.

1000.7 DOCUMENTATION
All documentation of the PTO Program will be retained in the officer's training files and will consist of the following:

a. Daily Journals
b. Critical Training Reports
c. Mid-Term Evaluation
d. Final Evaluation
e. The completed DPSST Field Training Manual
f. Board of Evaluators Recommendation

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Special Emergency Response Team

1001.1 PURPOSE AND SCOPE

The Special Emergency Response Team (SERT) is comprised of three specialized teams: the Crisis Negotiation Team (CNT), the Metro Explosive Disposal Unit (MEDU) and the East Metro Special Weapons and Tactics Team (East Metro SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

1001.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the SERT are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to Department personnel allowing for appropriate on-the-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

1001.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage-taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of agency policy, such a unit may also be used to serve high-risk warrants, both search and arrest warrants, where public and officer safety issues warrant the use of such a unit.

1001.2 AGENCY POLICY

It shall be the policy of this agency to maintain East Metro SWAT and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The East Metro SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and Control

(b) Containment

(c) Entry/Apprehension/Rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators, and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceed their training levels due to the exigency of the circumstances. The preservation of innocent, human life is paramount.

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1001.2.1 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of Standard Operational Procedures (SOP's) which should address, at minimum:

(a) Locally identified specific missions the team is capable of performing

(b) Team organization and function

(c) Personnel selection and retention criteria

(d) Training and required competencies

(e) Procedures for activation and deployment

(f) Command and control issues, including a clearly defined command structure

(g) Multi-agency response

(h) Out-of-jurisdiction response

(i) Specialized functions and supporting resources

1001.2.2 OPERATIONAL PROCEDURES

(a) This department shall develop a separate, written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association suggested SWAT Best Practices. However, because such procedures are specific to SWAT members, and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum:

(b) Operational plan for responding to each incident (time permitting);

1. Designated personnel should be responsible for developing an operational or tactical plan prior to, and during, East Metro SWAT operations

2. Mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment

   (a) When possible, briefings should include the specialized units and supporting resources

3. All East Metro SWAT team members should have an understanding of operational planning

4. East Metro SWAT team training should consider planning for both spontaneous and planned events

5. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan

6. Protocols for a sustained operation should be developed, which may include relief, rotation of personnel, and augmentation of resources

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(c) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of East Metro SWAT

(d) The appropriate role for a trained negotiation team

(e) A standard method of determining whether or not a warrant should be regarded as high-risk

(f) A method for deciding how best to serve a high-risk warrant with all alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response

(g) Post incident scene management including:

1. Documentation of the incident
2. Transition to investigations and/or other units
3. Debriefing after every deployment of the East Metro SWAT team
   - A. After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices
   - B. When appropriate, debriefing should include specialized units and resources

(h) Sound risk management analysis

(i) Standardization of equipment deployed

1001.3 TRAINING NEEDS ASSESSMENT

The East Metro SWAT/SERT Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities and agency policy.

1001.3.1 INITIAL TRAINING

East Metro SWAT team operators and SWAT supervisors/team leaders may be deployed prior to the completion of a Basic SWAT Course or its equivalent. Newly selected SWAT Operators may be deployed in a support function prior to attending basic SWAT or the yearly team training.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed agency requirements or National Tactical Officer Association's (NTOA) standardized training recommendations

1001.3.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

East Metro SWAT team operators and East Metro SWAT supervisors/team leaders should complete a certified update or refresher training, or its equivalent, every 24 months.

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1001.3.3 SUPERVISION AND MANAGEMENT TRAINING
To ensure command and executive personnel who provide active oversight at the scene of East Metro SWAT operations understand the purpose and capabilities of the teams; command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level.

Command personnel who may assume incident command responsibilities should attend a SWAT or critical incident commander course or its equivalent. East Metro SWAT command personnel should attend a SWAT commander or tactical commander course, or its equivalent.

1001.3.4 SCENARIO BASED TRAINING
SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

1001.3.5 TRAINING DOCUMENTATION
Individual and team training shall be documented, and records maintained by the Training Section or East Metro SWAT Team Commander.

1001.4 UNIFORMS, EQUIPMENT, AND FIREARMS

1001.4.1 ON-SCENE DETERMINATION
East Metro SWAT should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

1001.4.2 EQUIPMENT
East Metro SWAT should be adequately equipped to meet the specific mission(s) identified by the agency:

1001.4.3 FIREARMS
Weapons and equipment used by East Metro SWAT, the specialized units, and the supporting resources will be agency issued. Any modifications, additions, or attachments shall be agency approved.

1001.4.4 OPERATIONAL READINESS INSPECTIONS
The SERT Commander shall appoint a SERT supervisor to perform operational readiness inspections of all unit equipment at least bi-annually. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the SERT facility and equipment maintained or used in SERT vehicles.

1001.5 MANAGEMENT/SUPERVISION OF SPECIAL EMERGENCY RESPONSE UNIT
The Commander of SERT shall be selected by the Chief of Police upon recommendation of staff.

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1001.5.1 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police, through the Operations Captain, the Special Emergency Response Team shall be managed by a lieutenant.

1001.5.2 TEAM SUPERVISORS
The Crisis Negotiation Team and each East Metro Special Weapons and Tactics Team will be supervised by a sergeant.

The team leaders (supervisors) shall be selected by the Chief of Police upon specific recommendation by staff and the SERT Commander.

The following represent the supervisor responsibilities for the Special Emergency Response Team:

(a) The Crisis Negotiation Team leader's primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the SERT Commander

(b) The East Metro SWAT Team leader's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the SERT Commander

1001.6 SWAT TEAM ADMINISTRATIVE PROCEDURES

The East Metro SWAT Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics; for example, in such situations as cases where suspects have taken hostages and/or have barricaded themselves. Also included are prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

1001.6.1 TEAM EVALUATION
Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SERT Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

1001.7 OPERATION GUIDELINES FOR SPECIAL EMERGENCY RESPONSE TEAM

The following procedures serve as guidelines for the operational deployment of the Special Emergency Response Team. Generally, the East Metro SWAT Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the entire Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the SERT Commander. Team members are selected based on criteria outlined in the East Metro SWAT Standing Operating Procedures.

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1001.7.1 OUTSIDE AGENCY REQUESTS

Requests for assistance from outside agencies must be approved by the Chief of Police or designee. Requests for assistance by outside agencies not part of the Special Emergency Response Team shall be approved by the Chief of Police or designee.

1001.7.2 MULTI-JURISDICTIONAL SWAT OPERATIONS

The East Metro SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional East Metro SWAT operations will regularly be conducted; multi-agency and multi-disciplinary joint training exercises are encouraged.

1001.7.3 MOBILIZATION OF SPECIAL EMERGENCY RESPONSE UNIT

The On-Scene supervisor shall make a request to the Watch Commander for the Special Emergency Response Team. The Watch Commander shall then notify the SERT Commander. Upon review, it will be the Incident Commander's decision, with input from the SERT Commander, whether to deploy the Special Emergency Response Team. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Records Section by the East Metro SWAT Team Leader. The Watch Commander will then notify the Patrol Operations Captain as soon as practical.

The Watch Commander should advise the SERT Commander with as much of the following information which is available at the time:

(a) The number of suspects, known weapons and resources

(b) If the suspect is in control of hostages

(c) If the suspect is barricaded

(d) The type of crime involved

(e) If the suspect has threatened or attempted suicide

(f) The location of the command post and a safe approach to it

(g) The extent of any perimeter and the number of officers involved

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender

The SERT Commander or Team Leader shall then call selected officers to respond.

1001.7.4 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Special Emergency Response Team at the scene, the Incident Commander shall brief the SERT Commander and team leaders about the situation. Once the Incident Commander authorizes deployment, the SERT Commander 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 support for the Special Emergency Response Team.

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The Incident Commander and the SERT Commander (or his or her designee) shall maintain communications at all times.

1001.7.5 COMMUNICATION WITH SPECIAL EMERGENCY RESPONSE TEAM PERSONNEL

All of those persons who are not part of Special Emergency Response Team personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with SERT Team personnel directly. All non-emergency communications shall be channeled through the Crisis Negotiation Team Sergeant or his or her designee.

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Canines

1002.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of Gresham Police Department canines to augment law enforcement services to the community including, but not limited to, locating individuals, evidence, threats, apprehending criminal offenders and providing a unique psychological deterrent to violence towards the public and public safety personnel. Additionally, specially trained canines will assist officers and investigators in the detection of illegal narcotics.

1002.2 POLICY

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

1002.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement both the Operations and Investigations Division, to function primarily in assist or secondary assignments. Functioning in an auxiliary role allows canine teams to be available when officers or investigators quickly need their services. However, they may be assigned by the Watch Commander, on-duty field Operations supervisor or Operations Captain to other functions, such as routine calls for service, based on the current operational needs. Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time.

1002.4 CANINE SERGEANT

The Canine Sergeant shall be appointed by, and directly responsible to, the Canine Lieutenant.

The responsibilities of the Canine Sergeant include, but are not limited to:

(a) Reviewing all Canine apprehension and evidentiary reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Maintain accurate records of all training aids.

(g) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(h) Scheduling all canine-related activities.

(i) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

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1002.5 REQUESTS FOR CANINE TEAMS

Department members are encouraged to request the use of a canine. Canine handlers should notifiy a sergeant of all requests.

1002.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by an on-duty, field operations sergeant or Watch Commander and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

1002.5.2 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and, if appropriate, approved by the Canine Sergeant prior to making any resource commitment. The Canine Sergeant is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the Canine Sergeant.

1002.6 PATROL CANINE APPLICATIONS GUIDELINES

Patrol canines are an asset to law enforcement operations by offering a wide variety of deployments. When canine handlers consider deployment of their canines they should ensure that there is a reasonable belief that the person has committed a crime, threatened to commit a crime, or is committing a crime. Fleeing from the police shall not, by itself, justify the deployment of a canine.

1002.6.1 PREPARATION FOR DEPLOYMENT

Canine handlers shall consider the following factors prior to and during the deployment of their canine. These factors assist the handler in deciding whether to deploy and what tactics they will use during the deployment. The factors include, but are not limited to:

(a) The nature of the suspected crime.

(b) The potential for escape or flight if the canine is not utilized.

(c) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(d) The potential for injury to the public and/or officers at the scene if the canine is released.

(e) The perceived age, physical health or other conditions of the subject.

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1002.6.2 WARNING ANNOUNCEMENTS

Unless it would increase the risk of serious injury to officers or the public, a clearly audible warning to announce that a police dog will be released if the person does not come forth, shall be made prior to releasing the canine. If the warning is not given, justification for not doing so will be included in the canine handler's report.

The warning shall be given during any search conditions where the canine will be off-line such as building or area searches. The warning shall also be given prior to releasing a canine, when reasonable, to apprehend a fleeing suspect or prior to being used as force to affect an arrest.

The warning announcement will include:

(a) Your authority and intent;

(b) The request and opportunity for peaceful surrender;

(c) The consequence for non-compliance, a dog bite.

The canine handler should give a reasonable amount of time for the suspect to comply with their commands.

1002.6.3 TRACKING/TRAILING AND AREA SEARCH DEPLOYMENTS

Patrol canines, due to their unique olfactory capabilities, can be deployed to assist in tracking/trailing or area searching for suspects, lost persons or evidence that has been abandoned or hidden in a specific area.

(a) Canines used for tracking/trailing for persons shall remain on a leash of sufficient length to provide a reasonable measure of safety without compromising the canine's tracking abilities. There are times when a handler may need to drop the leash or unhook the canine during a track/trail, but the handler should limit this to times when he/she feels that doing so poses no reasonable threat to the canine or public, and when there is a justifiable reason for the release.

(b) Canine handlers will articulate when they release the line either in their utilization or deployment reports. If the handler is concerned someone may be in the immediate area, a warning announcement will be given before release. (See Warning Announcements for exceptions.)

(c) Canines are used for area searches when a suspect is believed to be in a general area but a track has not been located. Canines may be off-line while conducting area searches. Whenever possible, announcements will be given prior to searching an area. Handlers will maintain visual contact with the canine during an area search. There may be times due to terrain, safety or other conditions that would create short periods where the handler loses sight of the canine. Canine handlers will articulate these factors in their utilization report.

1002.6.4 BUILDING SEARCHES FOR HIDDEN SUSPECTS

Police canines are a valuable resource to officers for the purpose of searching a building. A canine can reduce the time spent searching, as well as increase the ability to locate suspects hidden in buildings. They can also greatly reduce the inherent risks officers face during a building search.

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Whenever possible, the building's owner or tenant should be contacted to determine whether there may be others in the building, ascertain the buildings layout and ask if there are any known hazards for the canine or officers.

Before commencing a building search, the Warning Announcement should be given and the suspect should be given a reasonable amount of time to respond. The canine handler should repeat the Warning Announcement during the search if he/she believes they are in an area where the suspect may not have been able to hear the original warning given.

1002.6.5 APPREHENSION

Police canines may be used as force to protect themselves and their handlers, as well as for apprehending suspects when the situation merits. When using a canine as a use of force, the canine handler will give the command to release the bite as soon as the handler reasonably believes he/she can safely and effectively maintain control of the offender.

Police canines will be considered another tool in non-lethal use of force. The proper use as a means of force will be applied in accordance to federal and Oregon State Law, and the policies and procedures of the Gresham Police Department. It is recognized that canine handlers are expected to make split-second decisions and that the amount of a handler's time available to evaluate and respond to changing circumstances may impact his/her decision.

1002.6.6 OTHER DEPLOYMENTS

A patrol canine team will also assist arresting officers by providing a psychological deterrent to crime.

A patrol canine team will not normally be used in major incidents involving crowd control. However, canine teams should be readily available to respond to requests by the Incident Commander to prevent injuries to officers or citizens, or in effecting an arrest.

A patrol canine team may be utilized for East Metro SWAT operations at the discretion and request of SWAT leadership. If the canine handler is also a member of SWAT, they may be used as a SWAT operator or with their canine partner as a canine team, depending on the circumstances and at the discretion of SWAT leadership.

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

(a) Absent a change in circumstances that present an immediate threat to officer, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

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

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(c) Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

1002.6.7 ARTICLE DETECTION
A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

1002.7 NARCOTIC DETECTION CANINE APPLICATION GUIDELINES

The primary responsibility of the Gresham Police Detection Canine Team will be to provide support to the Gresham Police Department and requesting agencies in the detection of odor from controlled substances. Criminal prosecution will always be the goal of the detection canine team.

Whenever a detection canine team is requested the handler will make the decision to deploy based on the information available, the canine's physical condition, and condition of the area to be searched relative to the potential danger to the canine as well as other factors.

The use of the detection canine team is authorized under the following circumstances:

(a) Criminal investigations involving controlled substances.

(b) Educational events and public demonstrations.

(c) Training and proficiency testing.

Duties of the detection canine handler:

(a) The detection canine handler will ensure all canine searches (hereafter referred to as sniffs), are conducted in a manner compliant with all Oregon and federal laws. Sniffs will only be conducted in areas where the canine team has legal authority to be present.

(b) Sniffs will be conducted under the following circumstances:

1. Search Warrant
2. Consent
3. Probable Cause
4. Mobile Vehicle Exception
5. Reasonable Suspicion (United States v. Place)

(c) The following outlines criteria for canine sniffs:

1. Sniffs will only be conducted on inanimate objects; at no time will a sniff be conducted on a human being
2. Sniffs conducted on parcels, suitcases and other items while located at a public transportation facility should, if possible, be conducted in an area not accessible to the public

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3. Exploratory vehicle sniffs will be conducted in a manner that does not exceed the time required to facilitate and complete normal business relating to a traffic stop
4. Sniff requests from private business or schools, where the primary intent is not criminal prosecution, will only be conducted upon the direction of the Chief of Police or designee

1002.8 CONTROLLED SUBSTANCE TRAINING AIDS

The detection canine handler will be responsible for the care and custody of the controlled substances used in canine training.Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements regarding the same. Alternatively, the Gresham Police Department may work with outside trainers with the applicable licenses or permits.

Controlled substance training aids will be obtained from the Gresham Police Property Room or approved law enforcement agency. Upon receipt of the training aids, the canine handler, Canine Sergeant and property evidence technician will test and then weigh each aid.

To facilitate training, the training aids may be separated or combined as dictated by training needs. Each aid will be clearly identified, double bagged in plastic and heat sealed. The Canine Sergeant will maintain a record of all training aids.

To ensure training quality, training aids should be rotated every 12 months. Upon rotation of the training aids the canine handler, Canine Sergeant and property evidence technician will test and then weigh each aid. The outdated training aids will then be destroyed at the earliest opportunity.

When not in use, larger training aids will be secured in a locked safe located within the department armory. Each detection handler will be issued three, individual odor cases (heroin, cocaine, and methamphetamine). These cases will make up each handler's training kit, which will be stored in a lockable, metal safe inside their locked and alarmed patrol vehicles. While in transport and use, custody and security of all training aids will be the responsibility of the detection canine handler. Should a training aid be lost or damaged, the detection canine handler will immediately notify the Canine Sergeant and complete a written memorandum of the event.

The Canine Sergeant will conduct an audit of the controlled substances on a random date, no less than once every six months and record the audit on a log that will be submitted to the Canine Lieutenant, Operations Captain and the Chief of Police.

1002.9 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a sergeant should be promptly notified, and the injuries documented in a Canine Use Report. Any unintended bite or injury caused by a canine, whether on or off-duty, shall be promptly reported to the Canine Sergeant.

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Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a Canine Use Report. If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party.

Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

1002.10 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) Handlers shall permit the Canine Sergeant to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(d) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the Canine Sergeant as soon as possible.

(e) When off-duty, the canine shall be in a kennel provided by the Gresham Police Department at the home of the handler when not directly supervised by the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(f) The canine should be permitted to socialize in the home with the handler's family, for short periods of time, and under the direct supervision of the handler.

(g) Under no circumstances will the canine be lodged at another location unless approved by the Canine Sergeant or Canine Lieutenant.

(h) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the Canine Sergeant or Canine Lieutenant.

(i) Whenever a canine handler is off duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Canine Sergeant so that appropriate arrangements can be made.

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(j) Handlers will also be responsible for keeping themselves physically fit, and will take a fitness evaluation once a year that will be overseen by the Canine Sergeant or his/her designee.

1002.10.1 CANINE IN PUBLIC AREAS

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

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended vehicle remains inhabitable and safe for the canine.

1002.11 RELEASE TIME (KENNEL TIME)

In each seven-day work week, the handler shall be granted three and one-half hours of release (kennel) time (1/2 hour per calendar day). This time is considered compensation for the time the handler must groom, feed, and maintain the dog during off-duty hours.

The handler will use his/her best effort to coordinate this release time with the on-duty Sergeant. Release time must be scheduled and used by the handler during the seven-day work week in which it is accrued and will generally be expected to coincide with the beginning or end of a handler's work shift. Before the use of release time, the handler will notify the on-duty Sergeant of intent to use this time. However, the Sergeant may deny the request. The on-duty Sergeant will make every effort to afford the handler the time off each workweek to satisfy the three-and one-half-hour release time requirement. If the fully allotted time is not fulfilled during the week it is accrued, the handler will submit the remainder as overtime.

The handler is responsible for recording the actual time spent on the activities mentioned above by the use of exception reporting on the DAR during each pay period. Included in the record will be the release time hours, as well as any denied requests that result in overtime paid.

Hours worked in law enforcement activities by handlers, during hours scheduled as paid release time or outside of their regularly scheduled work shift, shall be compensated at one and one-half time their regular rate of pay. The release time (kennel time) is separate from any specialty pay the handler may receive.

1002.12 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the Canine Sergeant, or Canine Lieutenant, and Risk Management, as soon as possible and the event shall be appropriately documented. All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained by S.E. Portland Animal Hospital.

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1002.13 TRAINING

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

The Canine Sergeant shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. All canine training should be conducted while on-duty unless otherwise approved by the Canine Sergeant or Canine Lieutenant.

1002.13.1 CONTINUED TRAINING

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

(a) Canine teams should receive regularly weekly scheduled in-house training.

(b) Canine handlers are encouraged to engage in additional training with approval of the Canine Supervisor.

(c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.

(d) Teams will also be evaluated by the Canine Sergeant once a year and will go through "GPD K-9 Unit Standards and Evaluation."

1002.13.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing OPCA canine certification standards, or other accredited or recognized animal handling organization standards, shall not be deployed in the field until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be assigned to the Canine Sergeant for remedial training. Once the team has successfully completed certification they will be released back to their normal canine duties.

1002.13.3 TRAINING RECORDS

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

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Bicycle Patrol Unit

1003.1 PURPOSE AND SCOPE

The Gresham Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

1003.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, park patrol, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit Supervisor or the Watch Commander.

1003.3 SELECTION OF PERSONNEL

When the need for additional officers to be bicycle certified arises, the department shall solicit interested applicants to participate in a selection process. This assignment shall be ancillary to the member's regular duty. Qualified members shall be invited to an oral board consisting of members selected by the lieutenant who oversees the specialty assignment.

Interested members shall be deemed qualified and eligible for the assignment based on the following criteria to include, but not limited to:

(a) Recognized competence and ability as evidenced by performance.

(b) Special skills or training as it pertains to the assignment.

(c) Good physical condition.

(d) Willingness to perform duties using the bicycle as a mode of transportation.

(e) History of above average work performance.

(f) Demonstrated ability of working with minimal supervision.

The final selection of the member(s) shall be made by the Chief of Police in a recommendation through the chain-of-command from the oral board.

1003.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Operations Division Captain or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

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(a) Organizing bicycle patrol training.

(b) Inspecting and maintaining inventory of patrol bicycles and program equipment.

(c) Scheduling maintenance and repairs.

(d) Evaluating performance of bicycle officers.

(e) Coordinating activities with the Operations Division.

(f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Program.

1003.4 TRAINING

Participants in the program must complete an initial department-approved bicycle training course after acceptance into the program. Thereafter bicycle patrol officers should receive periodic in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

1003.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, and protective eyewear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge, nameplate and patches, athletic socks, black athletic shoes and department-approved bicycle patrol pants or shorts and body armor.

Required personal protective equipment includes the same equipment an officer would carry if assigned to regular patrol duties.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

1003.6 BICYCLE SECURITY AND MAINTENANCE

Bicycle patrol officers will secure their bicycles properly with their department supplied bicycle lock. A pair of handcuffs also may be used to secure the bicycle.

When the police bicycles are not in use they will be secured at the department or the Rockwood Police Facility. The bicycles are to be placed in their assigned location within these areas.

Each bicycle will be given a pre-ride inspection. In the event a bicycle has mechanical issues discovered during the pre-ride inspection or patrol activities, the officer will do the following:

(a) Notify the appropriate shift supervisor.

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(b) After normal business hours, return the bicycle to the location from which it was checked out; the bicycle will be secured as previously described.

(c) A repair report outlining the exact maintenance problem, what attempts were made to repair the problem, and the present location of the bicycle will be completed, and a copy forwarded to the Bike Patrol Sergeant.

At the end of each use, the bicycle will be cleaned and any supplies used shall be replenished.

1003.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the Oregon Revised Statutes. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

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Obtaining Air Support

1004.1 PURPOSE AND SCOPE

The use of a police aircraft can be invaluable in certain situations. This policy specifies potential situations where the use of an aircraft may be requested and the responsibilities for making a request.

1004.2 REQUEST FOR AIRCRAFT ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of an aircraft would be beneficial, a request to obtain aircraft assistance may be made.

1004.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for an aircraft, the supervisor should call/radio dispatch to determine if an aircraft is already in the air and available. If there are no aircraft available, call the closest agency that has aircraft support available. The supervisor on duty will apprise that agency of the specific details of the incident prompting the request.

1004.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

(a) Police aircraft may be requested under any of the following conditions:

(a) (a) When the aircraft is activated under existing mutual aid agreements.

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard.

(c) When the use of the aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.

(d) When an aircraft is needed to locate a person who has strayed or is lost and continue absence constitutes a serious health or safety hazard.

(e) Vehicle pursuits.

(f) Surveillance needs.

While it is recognized that the availability of aircraft support will generally provide valuable assistance to ground personnel, the presence of an aircraft will rarely replace the need for officers on the ground.

1004.2.3 REQUESTING ASSISTANCE OF U.S. COAST GUARD AIRCRAFT

Requests for assistance from United States Coast Guard (USCG) aircraft will be made by the on-duty supervisor through BOEC.

USCG aircraft can be requested directly from the USCG for water operations for the following purposes:

(a) Search and rescue operations.

(b) Natural disasters.

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Requests for use of USCG aircraft for non-waterway events (inland operations) will be made through Oregon Office of Emergency Management (OOEM) and Joint Operations Command (JOC).

1004.3 POLICE PASSENGER ON AIRCRAFT

When the mission requires it, or at the aircraft pilot's request, police department personnel, both sworn and non-sworn members, may ride in the aircraft being utilized whether it is a MCSO, PPB ASU aircraft, OOEM/JOC military aircraft, or a USCG aircraft.

1004.4 AFTER ACTION

When OOEM/JOC or USCG aircraft are utilized, the on-duty sergeant will complete an after action report. The report will detail the following:

(a) Assets used

(b) Circumstances requiring the usage

(c) End results

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Unmanned Aerial System (UAS) Operations

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aircraft system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

1005.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aircraft System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means. For the purpose of this policy, a UAS includes a drone, as defined by ORS 837.300.

1005.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

1005.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

1005.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

(a) Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current (OAR 738-080-0045).

(b) Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.

(c) Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.

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(d) Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.

(e) Implementing a system for public notification of UAS deployment.

(f) Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.

(g) Developing a protocol for fully documenting all missions.

(h) Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.

(i) Developing protocols to ensure that all data intended to be used as evidence is accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

(j) Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.

(k) Facilitating law enforcement access to images and data captured by the UAS.

(l) Recommending program enhancements, particularly regarding safety and information security.

(m) Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

(n) Ensuring that the UAS is registered with the Oregon Department of Aviation (ORS 837.360).

(o) Developing protocols for storage, security, and access to data collected by the UAS (ORS 837.362).

(p) Developing protocols if a third party is used for the storage of data, including handling, security, and access to the data by the third party (ORS 837.362).

(q) Developing protocols for disclosing data collected by the UAS through intergovernmental agreements (ORS 837.362).

(r) Publishing the department policies and procedures regarding the use, storage (including third party storage), accessing, sharing, and retention of data collected by the UAS, including the text of ORS 192.345 on the department website or other publicly accessible system (ORS 837.362).

(s) Notify Risk Management to secure insurance for each UAS.

1005.5 USE OF UAS

Only command personnel of the rank of lieutenant or above can authorize the use of the UAS. Only authorized operators who have completed the required training shall be permitted to operate the UAS.

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Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS should not be flown over populated areas without FAA approval, unless a current COA is in place.

The UAS shall only be operated by the Department (ORS 837.320; ORS 837.330; ORS 837.335):

(a) Pursuant to a valid warrant authorizing its use.

(b) When there is probable cause to believe that a person has committed a crime, is committing a crime or about to commit a crime, and exigent circumstances exist that make it unreasonable to obtain a warrant authorizing the use.

(c) With written consent of an individual for the purpose of acquiring information about the individual or the individual's property.

(d) As part of search and rescue activities, as defined in ORS 404.200.

(e) When assisting an individual in an emergency if there is a reasonable belief that there is an imminent threat to the life and safety of the individual.

1. A report shall be prepared documenting the factual basis for the belief.
2. Within 48 hours of the emergency, a sworn statement shall be filed with the circuit court describing the nature of the emergency and the need for the use of the UAS.

(f) During a state of emergency declared by the Governor, if:

1. The UAS is used for preserving public safety, protecting property or conducting surveillance that will be used to assess and evaluate environmental or weather-related damage, erosion or contamination.
2. The UAS is operated only in the geographical area specified in the Governor's proclamation.

(g) For the purpose of reconstructing a crime scene or accident scene, or a similar physical assessment, that is related to a specific investigation, as provided by ORS 837.340.

(h) For the purpose of training in the use and acquisition of information, as provided in ORS 837.345.

1005.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

(a) To conduct random surveillance activities.

(b) To target a person based solely on individual characteristics, such as but not limited to race, ethnicity, national origin, religion, disability, gender, or sexual orientation.

(c) To harass, intimidate, or discriminate against any individual or group.

(d) To conduct personal business of any type.

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The UAS shall not be weaponized (ORS 837.365).

The UAS shall not be used in any way that causes interference with an aircraft that is in the air, taking off, or landing (ORS 837.374).

1005.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule (ORS 837.362).

1005.8 REPORTING

The Records Section supervisor shall ensure that an annual report is provided to the Oregon Department of Aviation that summarizes the frequency of UAS use and the purpose for the use, and indicates how the public can access the department's policies and procedures regarding the use of data resulting from the use of UAS as required by ORS 837.360.

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Breaching

1006.1 PURPOSE AND SCOPE

To establish guidelines for safe and efficient entry into high-risk/crisis situations.

1006.2 DEFINITIONS

(a) Breach – allowing access to the target by utilizing any of the following methods:

1. Explosive – employing explosive materials for creating an opening through a wall, door or barrier.
2. Ballistic – employing a specialized shotgun round to the attachment point of a door.
3. Manual – employing non-powered and/or mechanized tools to create an entry point.
4. Mechanical – employing a machine or power/mechanized tool to achieve its primary task.
5. Thermal / Exothermic – the use of a torch that utilizes combustible fuels to create a chemical reaction producing extreme heat, causing a metal barrier to fail or melt.
6. Hydraulic -- Manual, battery operated or compressed air operated tools that cut or spread objects.

(b) Explosive Breacher – An operator who is trained in the safe and proper handling of explosives for the purpose of constructing, deploying and initiating explosive breaching charges in the commission of tactical exercises, live munitions, and/or demonstrations.

(c) Assistant Breacher – An explosive breacher tasked with the responsibility of placing an explosive breaching charge on an intended target.

(d) Explosive Breaching Device – Material created for the specific purpose of using the explosives breaching technique.

(e) Misfire – An explosive charge which did not detonate after an Explosive Breacher has attempted to fire it.

1006.3 RESPONSIBILITY FOR UTILIZATION OF BREACHING TECHNIQUES

(a) Non-explosive breaching techniques may be more appropriate given existing circumstances and conditions. Based on these considerations, the Tactical Operations Commander or designee will determine when, how and what type of non-explosive breaching technique will be utilized. It is recognized that a SWAT tactical team member operating in a tactical environment may deploy a non-explosive breaching technique, i.e. shotgun or mechanical methods.

(b) Explosive breaching can be a useful tactical option when rapid entry is critical or if it is a safer breaching method.

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1. Explosive breaching shall be utilized at the discretion of the Incident Commander or designee.
2. The Explosive Breacher or Assistant Breacher shall determine the type and placement of the explosive breaching device.

1006.4 BREACHING TECHNIQUE CONSIDERATIONS

(a) The type of breaching method used will only be performed by an operator trained in that particular technique.

(b) Explosive breaching techniques may not be appropriate in all breaching situations. An explosive breach should not be employed when:

1. The construction of the doors, walls, or the building is not known.
2. The explosive breacher is unsatisfied with intelligence information on target.
3. There is a presence of unstable chemicals or other incendiary materials.
4. Non-explosive breaching techniques are effective and safe to use given the situation and circumstance.

(c) Ballistic breaching should only be used after doing a target analysis to determine if it is an acceptable method, given the circumstances. The proper angle of application and round selection are critical in order to minimize the hazards associated with undesirable penetration.

1006.5 APPLICATION OF EXPLOSIVE BREACHING

(a) The Explosive Breacher or Assistant Breacher, at the direction of the Explosive Breacher, will:

1. Construct all explosive breaching devices;
2. Provide pre-breach target analysis and scouting;
3. Present the Tactical Operations Commander or designee with a "breacher's brief" to include:
   (a) Target to be breached;
   (b) Type of charge selected and its method of construction;
   (c) Possible hazards inside and outside of the target, pre and post detonation;
   (d) Contingencies – secondary entry points, misfires, failed breach, etc;
4. Place all explosive breaching devices;
5. Determine the safe and tactically sound location for the entry team during an explosive breach;

(b) Once the explosive breaching device is set and the entry team positioned, control for the assault will be the responsibility of the Team Leader or designee.

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1006.6 SAFETY PROCEDURES

(a) Explosive Breachers are responsible for the safe handling, control and storage of explosives.

(b) It is recommended that Tactical Medics are present during tactical operations utilizing explosive techniques.

(c) The Explosive Breacher or Assistant Breacher will:

1. Control the initiating device, at all times, to prevent unintentional detonation by others; and
2. Construct, set and initiate the explosive breaching device.

(d) During operations or training, safety clothing will be worn by all members of the Tactical Team. This will include but not be limited to:

1. Helmet,
2. gloves,
3. eye protection,
4. hearing protection,
5. boots,
6. long sleeve shirt and pants, and
7. ballistic vest

1006.7 HANDLING OF EXPLOSIVE BREACHING MISFIRES

(a) If a misfire occurs, the Explosive Breacher will attempt to re-fire the charge.

(b) If a second misfire occurs, the Explosive Breacher will sound off with "Misfire, Misfire, Misfire" and do the following:

1. Strip the shock tube lead from the initiator.
2. Render the charge safe in accordance with training procedures.
3. Sound off with "charge clear, charge clear, charge clear."
4. When the team hears the "charge clear" command, they can begin executing the predetermined misfire contingency plan.
5. No one moves towards the breaching charge until the verbal command of "charge clear" is given.

(c) If a misfire occurs, the Team Leader or designee may direct the entry team to an alternate entry point while the explosive breacher renders the charge clear.

(d) Upon instruction for a secondary or alternate breach point, the Explosive Breacher may remove the breaching device and place it safely away from the team members in accordance with training.

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1. A method of allowing remote removal of the breaching device will be used when possible.

(e) The Explosive Breacher or Assistant Breacher is responsible for the security of the removed device.

1006.8 TRAINING AND DOCUMENTATION

(a) Breacher training is perpetual. It should be coordinated and conducted at least quarterly.

(b) Explosive breaching refresher school will be successfully completed every three years by Explosive Breachers.

(c) All Explosive Breachers are responsible for maintaining the Unit's explosive breaching log book which will contain the following information at minimum:

1. Type of charge and its method of construction
2. Date/Time/Location the charge was placed or used
3. Type of target the charge was used on
4. Nature of the tactical incident or training

(d) Both operational and training explosive breaches will be logged in the explosive breaching log book.

(e) The Breaching Element Supervisor is responsible for maintaining a record of all operational breaches and breacher training.

(f) An inventory of explosive materials will be conducted quarterly and a copy will be forwarded to the MEDU Supervisor.

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Chapter 11 - Equipment

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Uniform Regulations

1100.1 PURPOSE AND SCOPE

The uniform policy of the Gresham Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 1101 - Department Owned and Personal Property

Section 1111 - Body Armor

Section 902 - Personal Appearance Standards

The Gresham Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon.

1100.2 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 the Gresham Police Department possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the Department's uniform procedure, which is forthcoming.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(g) Employees are not to purchase or drink alcoholic beverages while wearing the Department uniform.

1100.2.1 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.

1100.3 UNIFORM CLASSES

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1100.3.1 CLASS A UNIFORM

All officers will possess and maintain a serviceable Class A uniform at all times.

(a) 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 a:

1. Long sleeve, Class A shirt
2. Pressed, Class A slacks
3. Tie with tie clip
4. Metal badge only
5. Nameplate
6. Under belt
7. Duty belt with service weapon and magazines
8. Polished shoes or boots
9. Class A hat (hat badge provided by Department) - **Optional Equipment**

- Boots with pointed toes are not permitted
- Officers may only wear the internal vest with the Class A uniform

1100.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

(a) The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

1. Long or short sleeve shirt may be worn with the collar open. No tie is required
2. A white or black crew neck t-shirt must be worn with the uniform
3. All shirt buttons must remain buttoned except for the last button at the neck
4. Class B cargo pants
5. Metal or patch badge
6. Nameplate (usually sewn onto shirt)
7. Duty belt with all required service equipment, including service weapon
8. Department-issued portable radio
9. Polished, black boots or approved, all-black unpolished shoes may be worn

- Boots with pointed toes are not permitted
- Officers may wear an internal or external vest with the Class B uniform

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1100.3.3 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, EMGET, SROs, Bicycle Patrol, Motor Officers and other specialized assignments.

1100.4 INSIGNIA AND PATCHES

(a) Shoulder Patches - The authorized shoulder patch supplied by the Department may 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 may be machine stitched onto the uniform. The bottom of the service stripe may be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.The sewn on cloth nameplate shall be worn on the right side of the outer patrol vest.

(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.

(f) 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.

1100.4.1 MOURNING BADGE

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the day of the funeral.

(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 Week - From 0001 hours on the first day of the week until 2359 hours on the last day of the week.

(e) As directed by the Chief of Police.

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1100.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, polo style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:

1. T-shirt alone
2. Swimsuit, shorts, tube tops, or halter-tops
3. Spandex type pants or see-through clothing
4. Distasteful printed slogans, buttons or pins

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Gresham Police Department or the morale of the employees.

1100.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Gresham Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify themselves as an employee of the Gresham 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) Intentionally appear in any commercial, social, or non-profit publication; or any motion picture, film, video, public broadcast, or any website.

1100.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications (forthcoming procedure) as **optional** may be purchased totally at the expense of the employee. No

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part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of **optional** items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as **optional** shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department-Owned and Personal Property Policy).

1100.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Gresham Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications (Forthcoming procedure) or by the Chief of Police or designee.

1100.9 NATIONAL COLORS AND ANTHEM

Members shall render military honors to the National Anthem and Colors at the appropriate times.

(a) In uniform (covered) – hand salute.

(b) In uniform (uncovered) and civilian dress – stand at attention with right hand placed over the heart. Members wearing a hat in civilian dress shall stand at attention, remove the hat and hold it over the heart.

This does not apply when immediate duty requires the attention of the member.

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Department-Owned and Personal Property

1101.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Gresham Police Department when personal property, the property of another or department-owned property is damaged or lost.

1101.2 DEPARTMENT-ISSUED PROPERTY

All property and equipment issued by the Department shall be documented in the appropriate property sheet or equipment log. Receipt of issued items shall be acknowledged by the receiving member's signature unless deemed unnecessary by the Services Division Commander. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

The Services Division Commander shall be responsible for developing and maintaining procedures for the inventory control of department property.

1101.2.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. Intentional or negligent abuse or misuse of department property may lead to discipline.

(a) Members shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.

1. A supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Lieutenant or Captain, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

2. A review of the incident by a member of command staff should determine whether additional action is appropriate.

(b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by a competent authority or otherwise reasonable by circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) A supervisor's approval is required before any attempt to repair damaged, or unserviceable property is made by a member.

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1101.3 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 Lieutenant, 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.

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 Risk Management.

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.

1101.3.1 REPORTING REQUIREMENT

A verbal report of damaged or lost personal property shall be made to the employee's immediate supervisor as soon as circumstances permit.

A City of Gresham Accident/Incident Report shall be submitted before the employee goes off duty or within 24-hours.

1101.4 DAMAGE TO PROPERTY OF ANOTHER PERSON

Anyone who intentionally or unintentionally damages or causes to be damaged the real or personal property of another while performing any law enforcement function shall promptly report the damage through their chain of command.

The supervisor receiving such a report shall review the officer's actions and direct a memo to the appropriate Division Lieutenant, which shall include the result of the review and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

A review of the incident by command staff to determine whether misconduct or negligence was involved should be completed. Intentional and/or negligent damage may lead to discipline.

1101.4.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of Gresham or another person while performing their duties within the jurisdiction of this department. It shall be the responsibility of the department member present or the member responsible for the property to report the damage as follows:

(a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

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(c) An Accident/Incident form shall be completed and submitted to Risk Management to determine if a claim will be asserted or if recovery of city assets is necessary.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Lieutenant which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition, being mindful of the outside agencies CBA.

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Personal Communication Devices

1102.1 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.

1102.2 POLICY

The Gresham 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 department-issued or personally owned PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Gresham Police Department or the City of Gresham, 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, case investigation and prosecution. 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.

1102.3 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 Gresham Police Department or the City of Gresham and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

1102.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Gresham Police Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department

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and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

1102.5 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 no expectation of privacy in the event the member uses the PCD for work-related activity.

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.

(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 Gresham 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.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

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1102.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty, both personal and department-issued:

(a) PCDs in the workplace should be set to silent or vibrate mode to eliminate disruptions and only set to ringer mode when needed.

(b) PCDs may be used 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.

(c) 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 or landline telephone.

(d) 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.

(e) Members will not access social networking sites for any purpose that is not official department business.

(f) 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.

1102.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and take prompt, corrective action if a member is observed or reported to be improperly using a PCD.

    1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

(c) Before conducting any administrative search of a member’s personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

1102.8 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.

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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.

1102.9 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.

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Mobile Data Computer Use

1103.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, as well as all other confidential law enforcement information systems, and to ensure effective electronic communications between department members and the Bureau of Emergency Communications (BOEC).

1103.2 POLICY

Gresham 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.

1103.3 PRIVACY EXPECTATION

Chapter 16 – City Technology Policy - 8/30/2016
Gresham Employee Manual
Article 16.030 / Page 16-2

Users shall have no expectation of privacy in their communications, both business and personal, made using City information technology resources. Any information created, received or transmitted using City information technology resources are the property of the City and usually can be recovered even though deleted by the user.

All information and communications in any format, stored by any means on the City's information technology resources are subject to inspection, by the City or its agents, at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the City's ownership of, or the City's right to inspect its information technology resources. The City reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail and other such material to monitor the use of all of the City's information technology resources, including all communications and internet usage and resources visited. The City will override all personal passwords if it becomes necessary to do so for any reason. In summary, users shall have no expectation of privacy in any of their access or use of City information technology resources.

1103.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use (#512) and Protected Information (#1208) 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 Watch Commanders. Use of

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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 or when authorized to do so. 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.

1103.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

1103.5 DOCUMENTATION OF ACTIVITY

MDC's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

(a) If safe and practical, at the time of contact officers should document all contacts or activity by voice or self-initiated Computer Aided Dispatch (CAD) entry.

(b) If activity or contact is initiated by voice, it is expected the activity will be entered into CAD by a dispatcher.

1103.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) should 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.

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1103.6 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (as stated in 1103.3 of this policy).

1103.6.1 MALFUNCTIONING MDC

Whenever possible, officers will not use vehicles with malfunctioning 's MDCs. Whenever officers must drive a vehicle in which the MDC is not working, they shall notify Bureau of Emergency Communications (BOEC). It shall be responsibility of Bureau of Emergency Communications (BOEC) to document all information that will then be transmitted verbally over the police radio.

1103.6.2 BOMB CALLS

When investigating reports of possible bombs, officers will turn off their MDC's or leave them in their vehicle if parked a safe distance from the scene. Operating the MDC in close proximity to a device has the potential to detonate the device.

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Public Safety Camera System

1104.1 PURPOSE AND SCOPE

The of City of Gresham operates a public safety camera system for the purpose of creating a safer environment for all those who live, work, and visit the City. This policy provides guidelines for the operation of the cameras, the purpose of their use and the storage of captured images. This policy only applies to overt, marked public safety video surveillance systems operated by the department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the department.

1104.2 POLICY

The Gresham Police Department operates a public safety video surveillance system to compliment its anti-crime strategy, to effectively allocate and deploy personnel, and enhance public safety and security in public areas. Cameras may be strategically placed throughout the City at the direction and approval of the Chief of Police or their designee. These cameras can be used to detect and deter crime, to safeguard against potential threats to the public and security, to manage emergency response situations to natural and man-made disasters, and to assist other city officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

1104.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel, as necessary, in making such determinations.

1104.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful including, but not limited to, the following:

(a) To prevent, deter and identify criminal activity.

(b) To target identified areas of gang and narcotics complaints or activity.

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(c) To respond to critical incidents.

(d) To assist in identifying, apprehending and prosecuting offenders.

(e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.

(f) To augment resources in a cost-effective manner.

(g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Detective Sergeant's Office. When activity warrants further investigation or detected at any camera location, the available information should be provided to appropriate detective and/or officers in a timely manner. The Detective Sergeant or trained personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police or the authorized designee may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel. Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

1104.3.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be in a well lit location and placed appropriately, without obstruction to ensure visibility. Exceptions to marking cameras include those used for covert operations or for investigative purposes.

1104.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities. The department should also evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems, video enhancement or other analytical technology, requires additional safeguards.

1104.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

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1104.4.1 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists. Public video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.

1104.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

1104.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

1104.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Gresham Police Department. Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records. Requests for recorded images from other law enforcement agencies shall be referred to the Watch Commander for release in accordance with a specific and legitimate law enforcement purpose. Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

1104.7 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed, any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

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The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

1104.8 TRAINING

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

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Safety Belts

1105.1 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.

1105.2 POLICY

It is the policy of the Gresham Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1105.3 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.

1105.4 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety belts 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 belts 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.

1105.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with safety belts provided by the vehicle manufacturer. The safety belt 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.

1105.6 INOPERABLE SAFETY BELTS

Department vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

Department vehicle safety belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

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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.

1105.7 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.

1105.8 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1105.9 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.

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Vehicle Maintenance

1106.1 PURPOSE AND SCOPE

Employees are responsible for assisting in the maintenance of Department vehicles, so they are properly equipped, refueled and present a clean appearance.

1106.2 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 notification shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The notification shall be promptly forwarded to vehicle maintenance for repair.

1106.2.1 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.

1106.2.2 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 by vehicle maintenance as soon as practicable. Such conditions may include a rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

1106.2.3 REMOVAL OF WEAPONS

All firearms, weapons and less lethal, control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

1106.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

1106.3.1 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:

(a) Automated External Defibrillator (AED)

(b) Emergency road flares

(c) Crime Scene Barricade Tape

(d) Blanket

(e) Fire extinguisher

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(f) Protective gloves

(g) Sharps container

1106.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

(a) Emergency road flares

(b) Crime Scene Barricade Tape

(c) Blanket

(d) Fire extinguisher

(e) Protective gloves

(f) Sharps container

1106.4 VEHICLE REFUELING

Vehicles should be refueled at the end of each shift or when necessary. Vehicles should have a minimum of three-fourths a tank of fuel at the end of the shift if not refueled. Vehicles should only be refueled at the authorized location.

1106.5 WASHING OF VEHICLES

All units should be kept clean at all times and, weather conditions permitting, should be washed as necessary to enhance their appearance.

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.

1106.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the “out of service” placards or light bar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Marked vehicles released to non-members for service or any other reason shall have all weapons removed and "out of service" placards or light bar covers in place.

1106.7 VEHICLE INSPECTION

Unless delayed by an emergency call, employees shall inspect department vehicles at the beginning of each shift for any damage, and ensure that all systems, lights and emergency equipment are in good working order. The interiors should be examined to confirm no property or contraband is present. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and

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documented as appropriate. The interior inspection should be repeated at the conclusion of any prisoner transport.

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Automated License Plate Readers (ALPRs)

1107.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Gresham Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

1107.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Services Division Captain. The Services Division Captain will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

1107.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(b) An ALPR shall only be used for official and legitimate law enforcement business.

(c) An ALPR may be used in conjunction with any routine patrol operation or official department investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(d) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(e) The member should verify an ALPR alert through the Law Enforcement Data System (LEDS) or with the originator of the alert before taking enforcement action that is based solely upon an ALPR alert.

(f) No ALPR operator may access LEDS data unless otherwise authorized to do so.

(g) ALPR operators will attempt to avoid public gatherings such as political rallies, public demonstrations and religious gatherings if their sole purpose is to obtain ALPR data, unless there is a criminal nexus. This does not preclude members from responding to a call for service where there may be incidental plate reads. It also does not preclude ALPR operators from searching for stolen vehicles and vehicles of interest in these areas..

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1107.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by ALPR are for the official use of the Gresham Police Department and because generating a database report for non-law enforcement purposes would violate Oregon Revised Statute 181A.250. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

The Services Divison Captain is responsible to ensure proper collection and retention of ALPR data, and for transferring ALPR data stored in department vehicles to the department server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server should be stored for the minimum period established by department records retention guidelines, and thereafter shall be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action, or is subject to a lawful action to produce records. In such circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

1107.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Gresham Police Department will observe the following safeguards regarding access to and use of stored data:

(a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Investigations Lieutenant and processed in accordance with applicable law.

(b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.

(e) ALPR system audits should be conducted on a regular basis.

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Vehicle Use

1108.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability, and guidelines for on- and off-duty use, to ensure department vehicles are used appropriately. This policy shall not be construed to create or imply any contractual obligation by the City of Gresham to provide assigned, take-home vehicles.

1108.2 POLICY

The Gresham 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 Gresham Police Department, requirements for tactical deployments and other considerations.

1108.3 USE OF VEHICLES

1108.3.1 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) should first notify the on-duty supervisor.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

1108.3.2 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to, or operating such vehicle shall be entitled to, any expectation of privacy with respect to the vehicle or its contents.

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1108.3.3 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

1108.3.4 MOBILE DATA COMPUTER

Members assigned to vehicles equipped with a Mobile Data Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify Bureau of Emergency Communications (BOEC) of log on and log off. Use of the MDC is governed by the Mobile Data Computer Use Policy.

1108.3.5 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution or the keys stored in an accessible area. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported, in writing, through the member’s chain of command.

1108.3.6 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

1108.3.7 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

1108.3.8 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the Watch Commander or Captain.

1108.3.9 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service"

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placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

1108.3.10 ALCOHOL
Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

1108.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

1108.4.1 ON-DUTY USE
Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

1108.4.2 UNSCHEDULED TAKE-HOME USE
Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the Department

(b) Other reasonable transportation options are not available

(c) The member lives within a reasonable distance (generally not to exceed a 30 mile distance) from the Gresham Police Department

(d) Off-street parking will be available at the member’s residence

(e) Vehicles will be locked when not attended

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended unless the vehicle is parked in a locked garage

1108.4.3 ASSIGNED VEHICLES
Assignment of take-home vehicles shall be based on the location of the member’s residence; the nature of the member’s duties, job description and essential functions; and the member’s employment or appointment status. Residence within 30 miles of the Gresham Police Department is a prime consideration for assignment of a take-home vehicle.

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Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty for unauthorized purposes.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation with exception to tactical operations and surveillance.

(f) Unattended vehicles are to be locked and secured at all times.

1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).

2. All weapons shall be secured while the vehicle is unattended.

3. All department identification, portable radios and equipment should be secured.

(g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.

2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The member is responsible for removing all trash, writing maintenance requests for the vehicle.

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1108.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Gresham Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

1108.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle maintenance/repair request, explaining the service or repair, and leave it on the seat or dash.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make, at a minimum, quarterly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

1108.5 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An investigation administrative should be initiated to determine if there has been any vehicle abuse or misuse.

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1108.6 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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Cash Handling, Security and Management

1109.1 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.

1109.2 POLICY

It is the policy of the Gresham 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.

1109.3 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.

1109.4 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.

1109.5 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 administrative 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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1109.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or SET - Special Enforcement Team 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.

1109.7 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.

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Department Badges

1110.1 PURPOSE AND SCOPE

The Gresham Police Department badge and uniform patch as well as the likeness of these items and the name of the Gresham Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1110.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1110.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at the member's expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) An officer may sell, exchange, or transfer the flat badge they have purchased to another officer within the Gresham Police Department with the written approval of the Chief of Police.

(b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, the member shall make the proper notifications as outlined in the Department Owned and Personal Property Policy 1101.

(c) An honorably retired officer may keep their flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1110.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee.

(a) Civilian personnel shall not display any department badge except as a part of their uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Civilian personnel shall not display any department badge or represent themselves, on or off duty, in such a manner which would cause a reasonable person to believe that they are a sworn peace officer.

1110.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase or receive their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

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1110.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan their department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1110.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Gresham Police Department. The following modifications shall be included

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

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Body Armor

1111.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1111.2 POLICY

It is the policy of the Gresham 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.

1111.3 ISSUANCE OF BODY ARMOR

The Services Division shall ensure that body armor is issued to all officers when the officer begins service at the Gresham Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Services Division Commander 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.

1111.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) An officer may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1111.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

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1111.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1111.4 TRAINING SERGEANT RESPONSIBILITIES

The Training Sergeant 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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Personal Protective Equipment

1112.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Gresham Police Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

1112.1.1 DEFINITIONS

Definitions related to this policy include:

Personal Protective Equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards. This includes eye and hearing protection as well as air-purifying respirators, (i.e. gas masks).

Air-Respiratory PPE (Gas Mask) - A protective mask that covers a member's face and is equipped with an air-purifying filter, cartridge, canister that removes specific air contaminants by passing ambient air through the air-purifying element.

1112.2 POLICY

The Gresham Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy. Policy regarding use of PPE equipment are governed in accordance with standards set forth by the Occupational Safety and Health Administration (OSHA).

1112.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Members will inspect gas masks monthly to insure tightness of connections, condition of components, pliability (elasticity) of mask and deterioration. Members will notify the Training Unit of any mask that needs repair or replacement.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend improvements PPE or additional needs for PPE.

1112.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 29 CFR 1910.95 and OAR 437-002-0080.

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1112.5 EYE PROTECTION

Approved eye protection, including side protection, should be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses).

Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The employer must ensure that each affected member who wears prescription lenses while engaged in operations that involve eye hazards wears eye protection that incorporates the prescription in its design, or shall wear eye protection that can be worn over the prescription lenses without disturbing the proper position of the prescription lenses or the protective lenses.

The Lead Instructor shall ensure eye protection meets or exceeds the requirements provided in OAR 437-002-0134 (8) (a).

1112.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Additional body protection consisting of the chest, arm, leg and groin protection may be provided, based upon the needs of the Gresham Police Department.

1112.7 RESPIRATORY PROTECTION

The Training Unit is responsible for ensuring a respiratory protection plan is developed, maintained, and administered by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; OAR 437-002-0120):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Conduct annual fit testing and mask inspection.

(h) Regularly reviewing the PPE plan.

(i) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety

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and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

1112.7.1 GAS MASK

Full-face, air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members should identify and use the correct cartridge based on the circumstances for known gases and manufacturer's recommendations.

An on-scene supervisor may order the use of gas masks in situations where the use of a Self-contained Breathing Apparatus (SCBA) is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant while wearing the mask.

(b) They experience difficulty breathing due to cartridge filter restriction or blockage.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

(e) The cartridge or filter has been used in a hazardous environment.

1112.7.2 GAS MASK FIT TESTING

No member shall be issued gas mask until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; OAR 437-002-0120).

After initial testing, fit testing for gas mask shall be repeated (29 CFR 1910.134; OAR 437-002-0120):

(a) At least once every 12 months.

(b) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the face piece seal).

(c) Facial hair will be kept trimmed to length as to allow gas mask to seal completely

All respirator fit testing shall be conducted in negative-pressure mode.

1112.7.3 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; OAR 437-002-0120):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

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(d) Members who have a medical condition that prevents them from wearing a respirator will obtain a medical exemption from their physician. This exemption will be forwarded to the Chief of Police for review.

1112.8 RECORDS

The Training Unit is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator Evaluation Notification form.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule, 29 CFR 1910.1020 and OAR 437-002-0360.

1112.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; OAR 437-002-0120).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; OAR 437-002-0120).

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City Procurement Cards

1113.1 PURPOSE AND SCOPE

This procedure is established to provide guidelines and reporting requirements for the use of City Procurement Cards.

1113.2 PROCEDURE

(a) Issue of Cards

1. Department members, with the authorization of their Division Commander, may be issued a City Procurement Card.
2. The Services Division Commander or designee shall be responsible in assuring that the Department is following the guidelines set forth by the City (ATTACHMENT #1 1113.4).

(b) Card Control

1. The Services Division Commander or designee will be responsible for issuing and accounting for Procurement cards and the processing of monthly statements.Services Division will maintain a credit card issue log (ATTACHMENT #2 1113.4).

(c) Restrictions

1. Charges on City Procurement Cards are restricted to those approved by City guidelines (ATTACHMENT #1 1113.4).

(d) Reporting Requirements

1. When making a purchase using their City Procurement Card, Department members shall retain all sales receipts for inclusion with their monthly Procurement Card statement and log.
2. Members shall fill out a monthly Procurement Card Transaction Log form, listing each transaction made by the member for the current month. The corresponding sales receipts shall be attached to the Procurement Card Transaction Log form, and submitted to their Commander, via their chain of command, along with their monthly statement received from Bank of America, no later than the 25th day of the month.
3. If a sales receipt is missing, every effort must be made to obtain the original or a substitute receipt. If obtaining a receipt is not possible, the Department member shall attach a memorandum signed by their supervisor explaining the missing sales receipt.
4. Commanders will ensure that Procurement Card Transaction Logs and monthly bank statements are signed and forwarded to Services Division no later than the last day of the month.

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1113.3 VIOLATIONS

Department members who fail to turn in all required paper work within the listed time line may have their Procurement Card revoked.

1113.4 ATTACHMENTS

ATTACHMENT #1 - Purchasing Card Policies.pdf

ATTACHMENT #2: PROCUREMENT CARD TRANSACTION LOG.pdf

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Voicemail

1114.1 PURPOSE AND SCOPE

Every member of the Department assigned a Desk Phone/Voice Mailbox will adhere to the following guidelines. The purpose of these communication tools is to provide better customer service and to enhance communication within the Department.

1114.2 PROCEDURES

(a) Members will set up assigned Voice Mailboxes and greetings within one week of it being assigned.

(b) The greeting will be polite, concise, and include the member's expectation of when the caller will receive a call back. It is recommended the greeting be worded in a fashion similar to: "Hello. You have reached the voice mail of _____. I am currently not available to answer the phone. Please leave a detailed message including your name and a phone number and I will return your call as soon as practical." This may necessitate including the work schedule and days off in the message.

(c) When a member is unavailable for more than one day of their normal workweek, such as vacation or training, they will adjust their greeting to reflect their absence and when they expect to be checking messages again. Upon return to duty, the member should readjust their greeting.

(d) Voice Mailboxes shall be checked at least once per shift. Voice Mailboxes have a limited amount of memory to store messages. This system is not intended for long-term storage. Once handled, the messages should normally be deleted.

(e) Good customer service is expected and, as such, returning telephone messages as appropriate is required but normally, this should occur within 3 days. Officers will not make a practice of waiting to return telephone calls until the end of their shift. If a message is left on an officer's day off, it should be returned on the day the officer returns to work.

1114.3 HANDLING MESSAGES

(a) All members are directed not to take written telephone messages, but instead to transfer callers directly to the intended recipient's voice mail number (except as described in paragraph C below).

(b) Depending on the urgency of the situation, the members will make appropriate attempts to directly contact on-duty members to relay a message.

(c) In the event a citizen specifically requests a written message be delivered to the member, the member handling the call will place the written message in the member's regular mailbox or electronically transfer the message to the member. The citizen may be forwarded to the Watch Commander to discuss the issue.

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(d) If a member's Voice Mailbox is full or not properly set up, the member receiving the call will direct messages for that member to the appropriate supervisor. Recurring incidents will be brought to the attention of the appropriate command officer.

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Radio Call Number Assignments

1115.1 PURPOSE AND SCOPE

(a) This directive outlines the system of radio call number assignments for the Gresham Police Department.

1115.2 RADIO NUMBERING SYSTEM

(a) The first number in this configuration indicates the functional assignment of units:

1. 0000 Patrol District Numbers
2. 1000 Traffic Units
3. 2000 Special Patrol Units (K9, SWAT, EOD/EDU, CNT)
4. 3000 Supervisors (Sergeants, Road Supervisors)
5. 4000 Detectives/Investigations (includes Criminalist, Property/Evidence)
6. 5000 Other Law Enforcement (State Police, School Police, Tri-Met, FBI, Medical Examiner, Animal Control, State Wildlife)
7. 6000 Cooperating Agencies
8. 7000 Special Details (Code Enforcement, Reserves, Explorers, ROCN)
9. 8000 Agency Special Divisions (SRO, Family Services, Records, Gang, Emergency Mgmt, Fire Department, Training, Base Stations)
10. 9000 Command (Lieutenant, Captain, Chief)

(b) The second number in this configuration is assigned to the following agencies:

1. 100 Gresham Police Department
2. 400 Outside Agencies (Port of Portland, etc.)
3. 500 Portland Police Bureau North Precinct
4. 600 Portland Police Bureau Northeast Precinct
5. 700 Portland Police Bureau Southeast Precinct
6. 800 Portland Police Bureau Central Precinct
7. 900 Portland Police Bureau East Precinct
8. 5X00 Multnomah County Sheriff's Office

(c) The last two numbers indicate district patrol responsibility for district patrol officers or a specific radio number for members not assigned to district patrol.

1115.3 GRESHAM RADIO NUMBER ASSIGNMENTS

(a) Administration

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1. The Chief of Police, Division Commanders, and Police Administration will utilize the following number sequence:
   (a) 9100 through 9199

(b) Patrol Units

1. Each shift will be assigned a pre-determined amount of assigned numbers to be used by the shift. The numbers assigned to the shift will be used only by that shift:
   (a) Day Shift:

1.	111	121	131	141	151	161	171(GRU) - 1st car
2.	112	122	132	142	152	162	172(GRU) - 2nd car

   (b) Afternoon Shift:

1.	114	124	134	144	154	164	174(GRU) - 1st car
2.	115	125	135	145	155	165	175(GRU) - 2nd car
3.	116	126	136	146	156	166	176(GRU) – 3rd car

   (c) Night Shift:

1.	118	128	138	148	158	168	178(GRU) - 1st car
2.	119	129	139	149	159	169	179(GRU) - 2nd car

   (d) "Wild" Cars will be designated as: 101, 102, 103, 104, 105, 106, 107, 108, 109
   (e) New shift/car numbering system:
      1. Morning/Day - will end in 1, 2, or 3.
      2. Afternoon/Swing - will end in 4, 5, 6, or 7
      3. Night/Graveyard - will end in 8, or 9
2. The following shift designators will be used for shifts with starting times as follows:
   (a) Day shift cars will be "M". Afternoon cars will be "A". Night Cars will be "N". Units working cover shifts will be "pre-relief" of the shift on the first half, and the "relief" on the second half.
      1. Designators
         (a) M - Days
         (b) A - Afternoons
         (c) N - Nights

(c) Investigations

1. Members of the Investigations Section will utilize the following number sequence:

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(a) 4101-4139 Detectives

(b) 4140-4149 Scientific Property/Evidence

(d) Special Assignments and Support Services

1. Special assignments will utilize the following number sequence:

(a) 1100-1109 Traffic Units

(b) 2100-2109 Canine Units

(c) 2150-2159 CNT

(d) 2160-2169 EDU

(e) 2170-2199 SWAT

(f) 8100-8109 Fixed Stations

(g) 8110-8119 Management Services

(h) 8120-8129 Bicycle Unit or Special Assignment

(i) 8130-8139 Gang Enforcement

(j) 8140-8149 School Resource Officer

(k) 8150-8159 Code Enforcement

(l) 8160-8169 Neighborhood DA

(m) 8170-8179 Emergency Management

(n) 8180-8189 Gresham Fire Department

(o) 8190-8199 Off-duty Officers

1. 8190-8199 will be used for officers who are off-duty, have access to a radio and witness an incident that should be brought to the immediate attention of on-duty personnel.

(e) Sergeants

1. Sergeants will utilize the following number sequence:

(a) 3100 through 3119 – Patrol, Admin, FTEP Sgts.

(b) 3120 through 3129 – Traffic Sgts.

(c) 3130 through 3139 – Investigation Sgts.

(d) 3140 through 3149 – Street Crime Sgts.

(f) Volunteers

1. Volunteers will utilize the following number sequences:

2. 7110-7129 Explorers (as needed)

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Chapter 12 - Support Services

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Crime Analysis

1200.1 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 Gresham Police Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

1200.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

(a) Crime reports

(b) Field Interview cards

(c) Parole and Probation records

(d) Computer Aided Dispatch data

(e) Oregon Department of Transportation

(f) Oregon Traffic Safety Commission

1200.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

(a) Frequency by type of crime

(b) Geographic factors

(c) Temporal factors

(d) Victim and target descriptors

(e) Suspect descriptors

(f) Suspect vehicle descriptors

(g) Modus operandi factors

(h) Physical evidence information

1200.4 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 Gresham Police Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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Property and Evidence

1201.1 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.

(a) Criminalist

(b) Senior Police Technician

(c) Police Technician

1201.2 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 or is of an estimated value of more than $250 and 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:

(a) Property obtained by the Department for safekeeping such as a firearm

(b) Personal property of an arrestee not taken as evidence

(c) Property taken for safekeeping under authority of a law

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value or is of an estimated value of more than $250 and the owner cannot be readily identified or contacted.

Unclaimed Property - Includes items that have remained in the physical possession of the City of Gresham for a period of more than 60 days following the 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.

1201.3 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 policy, collection and handling of all evidence and property should follow the guidelines established by the State of Oregon Physical Evidence Manual.

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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.

1201.3.1 PROPERTY BOOKING PROCEDURE

A police officer, investigator, or other member of the Gresham Police Department who takes custody of any property or evidence shall take the following actions as soon as possible;

(a) Use a Department-approved property report to describe the item and the circumstances under which it was taken into custody. Ensure that all information concerning the owner or finder is included. Be sure to note any significant damage to the item. Use the last copy of the property report or a duplicate of the computer-generated property-in-custody report as the citizen's receipt, if necessary.

(b) Put the item in the smallest available property control locker, in the outside shed or in the sally port, as appropriate.

(c) Enter all pertinent information into the FileOnQ database and attach a barcode label to each item entered into evidence.

(d) Record the location of the item on the property report. Forward the original property report and/or a computer-generated copy with the original reports to the Records Section.

(e) The above actions shall be completed prior to the end of the employee's work shift, during which the member took custody of the item. Secure handling and proper chain-of-command shall be maintained at all times.

(f) All items taken into physical custody will be properly packaged or labeled with the appropriate and completed property or evidence tag and attached to the item or its container.

1201.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs (Including paraphernalia as defined by ORS 475.525(2)) shall be lodged as described below:

(a) All narcotics evidence (except marijuana) will be placed in a plastic evidence bag and heat sealed. This bag will be placed inside the narcotics envelope. The Narcotics envelope will be sealed with red "EVIDENCE" tape, initialed, and dated on both the envelope and the tape. If the narcotics evidence is too large for a narcotics envelope, the narcotics will be placed in the appropriate packaging and a narcotics sticker will be placed on the outside.

(b) Marijuana will be packaged directly into the paper Narcotics envelope, will be sealed with red "EVIDENCE" tape, initialed and dated on both the envelope and the tape. If the marijuana evidence is too large for a narcotics envelope, the marijuana will be placed in the appropriate packaging and a narcotics sticker will be placed on the outside.

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1201.3.3 EXPLOSIVES/HAZARDOUS SUBSTANCES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch 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.

Explosives (including volatile chemicals, gases and fuels) will not be retained in the police facility. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials by members of Metro Explosive Disposal Unit or the Property Room. The property and evidence technician or designee is responsible for transporting to the designated area for destruction, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

1201.3.4 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, should be air dried by property and evidence technicians prior to booking and packages should be labeled with a biohazard sticker

(b) All cash shall be counted in the presence of two officers and the envelope initialed by the booking officer and witness officer.

1201.3.5 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.

1201.3.6 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 Gresham Police Department will collect and maintain the chain of evidence for all Oregon State Police Sexual Assault Forensic Evidence Kits (SAFE Kits) and any associated evidence collected by medical facilities in this jurisdiction for victims of sexual assault, regardless of where the assault may have occurred. Victims who choose to remain anonymous and not make a report shall not be required to do so (ORS 147.397).

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The collection and preservation of SAFE Kits from anonymous victims shall be handled by a police officer or detective, to ensure their proper collection and preservation. When a medical facility notifies this department that evidence of a sexual assault has been collected and a SAFE Kit is available, the assigned or dispatched member shall be responsible for the following:

(a) Respond timely manner 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.

1201.3.7 STORAGE OF SURRENDERED DANGEROUS WEAPONS

Officers shall accept and store any dangerous weapons from an individual who has been ordered by a court pursuant to an extreme risk protection order to surrender dangerous weapons. 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 Manager for timely filing with the court (ORS 166.537).

1201.4 SEIZING, STORING AND PROCESSING FIREARMS EVIDENCE

(a) Members shall seize all firearms-related evidence while investigating an offense, suspected offense or reported offense. This includes times when a victim (person or property) is or is not located, but evidence suggests an offense has occurred. Offenses include violations of Oregon revised Statutes and Gresham revised Statutes

(b) When investigating an offense or suspected offense, members shall seize all firearms-related evidence. This includes all located spent cartridges, unspent cartridges, bullets and firearms. The intended goal is 100% seizure and applicable testing of firearms-related evidence.

(c) Members shall follow best practices, laws and current case law when seizing evidence.

(d) Members shall process and lodge firearms-related evidence and/or property in accordance with this policy.

(e) Spent cartridges seized as evidence of an offense shall be submitted for analysis through the National Integrated Ballistic Information Network (NIBIN) within 72 hours unless extenuating circumstances exist. Extenuating circumstances will be approved by a sergeant of Investigations or EMGET. Firearms shall be submitted for NIBIN analysis as soon as practical following any associated evidentiary-processing

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(fingerprints or other evidence). Firearms-related evidence to be analyzed through NIBIN include:

1. Semi-automatic pistols
2. Semi-automatic rifles
3. All spent cartridges

(f) Firearms voluntarily surrendered to the department for destruction or disposal shall be submitted for analysis through NIBIN. Members taking such property shall include the surrendering persons contact information, including date-of-birth, for inclusion on the police report.

(g) Members should be aware that some firearms and calibers do not qualify for NIBIN examination and entry. Members responsible for the NIBIN analysis may contact the OSP Crime Lab with any questions about NIBIN processing.

(h) Only members trained to test and analyze evidence through NIBIN shall conduct the analysis. If no members are available and the analysis is time-sensitive, the sergeant of Investigations or EMGET may authorize contact to the following agencies for assistance.

1. Multnomah County Sheriff's Office
2. Portland Police Bureau
3. Oregon State Police Crime Lab

1201.5 PACKAGING OF PROPERTY

All packages containing evidence must be sealed with evidence tape, initialed, and dated across the seal. If the item is sealed with evidence tape, it must be initialed on both the tape and the package. Improperly packaged or labeled property may be rejected by Police Technicians. These items will be returned to the submitting officer for correction before being accepted by Police Technicians and the officer's supervisor will be notified. Certain items require special consideration and shall be lodged per the Property and Evidence Procedure, (See attachment: Appendix 14 1A.pdf).

(a) All currency

(b) Narcotics and dangerous drugs

(c) Marijuana

(d) Firearms

(e) Evidence collected in Minor In Possession of Open Container Cases - ORS 471.430

1201.5.1 PACKAGING CONTAINER

Employees shall package all property in a suitable container available for its size.

(a) Knife boxes should be used to package knives.

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(b) 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.

(c) Firearms should be placed in firearm boxes and initialed that all have been made safe.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

1201.5.2 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 locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in 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.

1201.6 RECORDING OF PROPERTY

The property and evidence technician receiving custody of evidence or property shall properly document the date and time the property was received and where the property will be stored on the appropriate property control form.

A property number shall be obtained for each item or group of items. This number shall be recorded on the appropriate property tag and property documentation.

Any changes in the location of property held by the Gresham Police Department shall be noted in the property logbook.

1201.7 PROPERTY ROOM SECURITY

Access to the Property Room is limited to property and evidence technician and evidence technicians, criminalists and the property and evidence Sergeant. All personnel entering the Property Room must be accompanied at all times by a property and evidence technician.

Monthly and quarterly audits will be completed of the Property Room function with an audit report to the Chief of Police.

1201.7.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry will be made in the computer system to maintain the chain of custody.

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1201.7.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property and transfer the property to the location of the Oregon State Police Crime Lab, indicating the date and time on the property control card and the request for laboratory analysis.

1201.7.3 STATUS OF PROPERTY

Temporary release of property to officers for investigative purposes, or for court, shall be noted and an entry made in the computer system. The system will record the time, date and to whom the item was temporarily released to.

The property and evidence technician shall obtain the signature of the person to whom property is released, and the reason for release to be noted in the computer system. 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 will be processed in the computer system, indicating date, time, and the person who returned the property.

1201.7.4 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 property release form.

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 60 days after notification of owner of its availability for release will be considered unclaimed. After 30 days unclaimed property will be auctioned, destroyed, or disposed of in accordance with these procedures and existing law.

1201.7.5 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

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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.

1201.7.6 DISPUTED CLAIMS TO PROPERTY
Occasionally more than one party may claim an interest in property being held by the Gresham 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 Gresham Police Department may wish to file an interpleader to resolve the disputed claim (ORCP 31).

1201.7.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS
The Property and Evidence Section will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department.

1201.7.8 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.

If a third party claims lawful ownership or rightful possession to a deadly weapon that was surrendered pursuant to an extreme risk protection order, the Department may return the weapon to the third party if the third party provides proof of ownership and affirms by sworn affidavit that (ORS 166.537(5)):

(a) He/she may lawfully possess the deadly weapon.

(b) He/she did not consent to the prior possession of the deadly weapon by the person subject to the extreme risk protection order.

(c) He/she will prevent the person subject to the order from accessing or possessing the deadly weapon in the future.

A deadly weapon that remains unclaimed shall be disposed of in accordance with Department policies and procedures for disposal of deadly weapons (ORS 166.540).

1201.8 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. ORS 98.245 and ORS 98.336 govern the disposition of property held by law enforcement agencies.

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1201.8.1 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 Gresham Police Department as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of the Gresham 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.

1201.8.2 DISPOSITION
Unclaimed property will be disposed of in accordance with the provisions of ORS 98.245.

1201.8.3 RETENTION OF BIOLOGICAL EVIDENCE
The Property and Evidence Section supervisor shall ensure that evidence held by the Department is destroyed with adequate notification and in accordance with 1201 Property and Evidence, Appendix 19.1.2 (See attachment: 19 1 2 SO Evidence_Property Retention Schedule.pdf). Biological evidence shall be retained for a minimum period established by law (ORS 133.707). 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 By exact title should be consulted and the sexual assault victim should be notified.

The Property and Evidence Section supervisor should incorporate OAR 137-140-0030 et seq. as applicable to the preservation and documentation of biological evidence. Sexual assault kits, including anonymous kits, shall be retained by the Department no less than 60 years after the collection of the evidence (ORS 181A.325).

1201.9 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) A quarterly audit of evidence held by the Department shall be conducted by the Investigations Lieutenant or designee.

(d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made.

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Records Section

1202.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Gresham Police Department Records Section. The policy addresses department file access and internal requests for case reports.

1202.2 POLICY

It is the policy of the Gresham Police Department to maintain department records securely, professionally and efficiently.

1202.3 RESPONSIBILITIES

1202.3.1 RECORDS MANAGER

The Records Manager shall be directly responsible to the Services Division.The responsibilities of the Records Manager include, but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Division.

(b) Scheduling and maintaining Records Division time records.

(c) Supervising, training and evaluating Records Division staff.

(d) Maintaining and updating a Records Division procedure manual.

(e) Ensuring compliance with established policies and procedures.

(f) Supervising the access, use and release of protected information (see the Protected Information Policy).

(g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented.Sensitive reports may include, but are not limited to:

1. Homicides
2. Cases involving department members or public officials
3. Any case where restricted access is prudent

1202.3.2 RECORDS DIVISION

The responsibilities of the Records Division include, but are not limited to:

(a) Maintaining a records management system for case reports.

1. The records management system should include a process for numbering, identifying, tracking and retrieving case reports.

(b) Entering case report information into the records management system.

(c) Providing members of the Gresham Police Department with access to case reports when needed for investigation or court proceedings.

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(d) Maintaining compliance with federal, state and local regulations regarding reporting requirements of crime statistics.

(e) Maintaining compliance with federal, state and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case reports and notifying the responsible member's supervisor.

1202.4 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law.All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a police department case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a secure area within the Records Section, and accessible only by authorized members of the Records Section.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

1202.4.1 OFF-SITE STORAGE/ARCHIVE AND STORAGE OF MICROFILM

(a) Original rolls of microfilm will be stored off-site in the archive room of Gresham City Hall.

1202.5 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view or distribute, or allow anyone else to access, view or distribute, an record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

1202.6 REPORTING CRIME STATISTICS

National Incident Based Reporting System (NIBRS) codes shall be assigned to all crime reports in accordance with the Federal Bureau of Investigation's NIBRS Reporting Program. It is the responsibility of Records Section personnel to enter such information into the Gresham 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) (Oregon Revised Statutes 181.550).

1202.7 REQUISITION OF SUPPLIES

Routine office supplies can be requested through the Police Records Specialist Supervisor in charge of purchasing.

Non-routine major purchases will require a purchase order and the approval of the Records Manager or a member of Command Staff.

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1202.8 EXPUNCTION

If the Department receives a court order directing that records relating to a particular person's conviction for any offense be expunged, the order shall be complied with as soon as possible, but no longer than 21 days. Arrest records and associated follow-up reports that relate solely to the person described in the order shall be removed from the file and destroyed in their entirety. If the reports also relate to the investigation or arrest of other persons not described in the court order, the reports any mention of the subject of the court order will be completely removed from the report and replaced with “expunged”. Other information such as relatives names, addresses or license numbers, that could be used to identify the subject of the order, shall also be removed. The order applies to all hard copies of the report as well as any electronic versions that may exist on any computer system under the control of the Department.

1202.9 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 evident envelope and sealed. Sealed reports are to be kept in a within the Records Section.

Sealed reports are not to be unsealed unless, and until, the Gresham Police Department receives a subsequent court order that supersedes the original.

1202.10 HAZARDOUS LOCATIONS

Hazardous locations are entered into CAD and are primarily designed to warn responding officers of potential hazards associated with specific addresses. Additionally, an entry may be used to provide information such as road closures, major fires, and other situations that may affect response to calls may also be noted.

Initial requests may be made by any officer either by phone, radio or in writing. Entries will be maintained for up to 72 hours. Requests for retention beyond 72 hours must be accompanied by a written report.

See attachment: Hazard Entry Form.pdf

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Volunteer Program

1203.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the department and prompt new enthusiasm.

1203.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement cadet program, among others.

1203.2 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

1203.3 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

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Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the department, or maintain that they represent the department in such matters without permission from the proper department personnel.

1203.4 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty.

Any fixed and portable equipment issued by the department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the department and shall be returned at the termination of service.

1203.4.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid Oregon Driver’s License.

(c) Verification that the volunteer carries current vehicle insurance.

The volunteer's supervisor should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service. Volunteers are not authorized to operate a department vehicle Code-3.

1203.4.2 RADIO AND MDC USAGE

Volunteers shall successfully complete the Law Enforcement Data System (LEDS) and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The volunteer's supervisor should ensure that radio and LEDS training is provided for volunteers whenever necessary.

1203.5 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the volunteer's supervisor. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be

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afforded an opportunity solely to clear their name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

1203.5.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the department.

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Chaplains

1204.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Gresham Police Department chaplains to provide counseling or emotional support to members of the department, their families and members of the public.

1204.2 POLICY

It is the policy of this department that the Chaplain Program shall be a non-denominational, provided by volunteer clergy without financial compensation.

1204.3 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, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt.

(b) Manage their household, family, and personal affairs well.

(c) Having a good reputation in the community.

(d) Successful complete an appropriate level background investigation.

(e) Must have at least five years of successful ministry experience within a recognized church or religious denomination.

(f) Membership in good standing with the International Conference of Police Chaplains (ICPC) is recommended.

(g) Possess a valid Oregon Driver License.

(h) Meet or exceed the ICPC requirement for a Basic Chaplain Certificate.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

1204.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Gresham 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.

1204.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from their church elders, board, or council.

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(c) Interview with the Chief of Police or designee.

(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.

1204.5 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. Chaplains will be issued Gresham Police Department identification cards, which must be carried at all time while on-duty. The identification cards will be the standard Gresham 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.

1204.6 COMMAND STRUCTURE

Under the general direction of the Chief of Police or his/her designee, chaplains shall report to the designated member of Command Staff responsible for the Chaplain program.

1204.6.1 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.

1204.7 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.

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(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

1204.8 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 Watch 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.

1204.9 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(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.

1204.10 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the department may work or volunteer for the Gresham 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.

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No chaplain shall provide counsel to or receive confidential communications from any GPD member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

1204.11 TRAINING

The department will establish and maintain a minimum number of training hours and standards for department chaplains.The training may include:

(a) Stress management

(b) Death notifications

(c) Symptoms of post-traumatic stress

(d) Burnout for members of law enforcement and chaplains

(e) Legal liability and confidentiality

(f) Ethics

(g) Responding to crisis situations

(h) The law enforcement family

(i) Substance abuse

(j) Suicide

(k) Officer injury or death

(l) Sensitivity and diversity

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Police Cadets

1205.1 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.

1205.2 EDUCATION REQUIREMENTS

Cadets are required to maintain a minimum grade point average of 2.5 (“C” grade) for all courses taken.

1205.3 PROGRAM COORDINATOR

An assigned Sergeant 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. The Program Coordinator will also monitor the training provided for all cadets and review all decisions affecting job assignments, status, school attendance and performance evaluations.

1205.3.1 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 assigned sergeant or 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.

1205.4 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.

1205.5 CADET UNIFORMS

Each cadet will be provided one uniform meeting the specifications prescribed for their position.

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1205.6 RIDE-ALONG PROCEDURES

All cadets are authorized to participate in the Ride-Along Program on their own time and with the approval of a host officer and shift supervisor. Cadets shall wear their uniform while participating on a ride-along.

1205.7 PERFORMANCE EVALUATIONS

Performance evaluations shall be completed on all cadets annually. Cadet sergeants are responsible for evaluating cadets. The cadet sergeants and lieutenant shall be evaluated by a designated sworn Cadet Advisor assigned to the Cadet Post.

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Restoration of Firearm Serial Numbers

1206.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The Gresham Police Department may send all firearms with obliterated serial numbers to the Oregon State crime lab for restoration of serial numbers.

1206.2 PROCEDURE

Any firearm coming into the possession of the Gresham Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

1206.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Officers shall not empty magazines due to risk of eliminating fingerprint evidence left on the casings.

(d) If the firearm is to be processed for fingerprints or trace evidence, process <u>before</u> the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

1206.2.2 OFFICER RESPONSIBILITY

Any employee taking possession of a firearm with removed/obliterated serial numbers shall lodge the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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1206.2.3 PROPERTY BOOKING PROCEDURE
The property and evidence technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

1206.2.4 DOCUMENTATION
Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

1206.2.5 FIREARM TRACE
After the serial number has been restored or partially restored by the criminalistics laboratory, the property and evidence technician will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or the data may be entered into the ATF eTrace system.

1206.3 BULLET AND CASING IDENTIFICATION
Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Oregon State Crime Lab to be sent to Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes and entry into their database.

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Records Maintenance and Release

1207.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

1207.2 POLICY

The Gresham Police Department is committed to providing public access to records in a manner that is consistent with the Oregon Public Records Law.

1207.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to (ORS 192.318; OAR 166-020-0010 et seq.):

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records (OAR 166-017-0005 et seq.; OAR 166-030-0005 et seq.).

(b) Maintaining and updating the department records retention schedule, including:

1. Identifying the minimum length of time the Department must keep records.
2. Identifying the department division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring the availability of a current schedule of fees for public records as allowed by law (ORS 192.324(4)(5)).

(g) Preparing and making available to the public a written procedure that includes the name of one or more individuals and address of where to send record requests to obtain department records as well as the amounts and the manner of calculating fees for responding to requests for public records (ORS 192.324(7)).

1207.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request through the Records Section.

1207.4.1 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 requestor in writing of that fact and state the

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reason for the denial. When the denial is pursuant to federal or state law, the specific law shall be provided to the requester (ORS 192.329).

When asserting that a record is exempt, the written statement of denial shall include a statement that the requester may seek review of the determination pursuant to Oregon Law as identified by ORS 192.329.

If the denial is challenged by the requester by petition to the Attorney General or the Prosecuting Attorney, the Department will have the burden to support the denial (ORS 192.401; ORS 192.415).

1207.4.2 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following (ORS 192.324; ORS 192.329):

(a) Requests for public records shall be made in writing.

(b) The Department is not required to create records that do not exist.

(c) Within in five business days of receiving a written request to inspect or receive a copy of a public record, the Custodian of Records or authorized designee shall acknowledge receipt of the request or complete the response to the request.

(d) A written acknowledgement shall advise the requester of one of the following:

1. The Department is the custodian of the requested record.
2. The Department is not the custodian of the requested record.
3. The Department is uncertain whether the Department is the custodian of the requested record.

(e) As soon as reasonably practicable but not later than 10 business days after acknowledgement of a receipt of the request, the Custodian of Records shall:

1. Complete the response to the records request or;
2. Provide a written statement that the request is being processed and a reasonable estimated date on when the response should be completed based on the information currently available.

(f) A request for records is considered complete when:

1. Access or copies of the requested public records are provided to the requester, if no exemption applies or an explanation is provided to the requester where the records are publicly available.
2. A written statement is sent to the requester that an exemption exists and that access is denied.

(a) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted, and the unrestricted material released (ORS 192.338).

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio/video, a copy of the redacted audio/video release should be maintained in the

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department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

3. A written statement is sent to the requester that the Department is not the custodian of records for the record requested.

4. A written statement that state or federal law prohibits the Department from acknowledging whether the record exists or would result in the loss of federal benefits or other sanctions. This statement shall include the state or federal law citation relied upon by the Department.

(g) If a fee is permitted under ORS 192.324(4) and the requester has been informed, the request is suspended until the requester has paid the fee or the Department has waived the fee. If the fee is not paid within 60 days of informing the requester of the fee or the Department has denied a request for a fee waiver, the request shall be closed.

(h) If necessary, the Custodian of Records or the authorized designee may request additional information or clarification for the purpose of expediting the response to the request. The response to the request is suspended until the requester provides the requested information, clarification, or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days, the request shall be closed.

(i) If the public record is maintained in a machine readable or electronic form, a copy of the public record shall be provided in the form requested, if available. If the public record is not available in the form requested, the public record shall be made available in the form in which it is maintained (ORS 192.324).

1207.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph, Social Security and driver identification number, name, address, telephone number, and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Personal identifying information of members including Social Security number, date of birth, telephone number, home address, email addresses, driver license numbers, employer-issued identification card numbers, emergency contact information, medical information, or information of a personal nature that would constitute an unreasonable invasion of privacy (ORS 192.345; ORS 192.355).

1. A showing of clear and convincing evidence that public interest requires disclosure may overcome the restriction.

(c) Member identification badge or card as provided in ORS 192.371.

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(d) Information regarding a member working undercover and for the period of six months after the conclusion of those duties unless the member consents in writing or required by law (ORS 181A.825).

(e) Photograph of public safety personnel without the written consent of that member (ORS 181A.830).

(f) Personnel discipline action, including materials or documents supporting the action, unless allowed by law (ORS 181A.830; ORS 192.345(12)).

(g) Certain victim information, including participants in the Address Confidentiality Program (ORS 192.368; ORS 192.844).

(h) Certain juvenile records (ORS 419A.255; ORS 419A.257).

(i) Certain ongoing investigation material for criminal law purposes (ORS 192.345(3)).

(j) Audio or video records of internal investigation interviews (ORS 192.385).

(k) Certain types of reports involving, but not limited to, child abuse (ORS 419B.035) and adult abuse (ORS 124.090; ORS 430.763; ORS 441.671).

(l) Ongoing litigation records, including those created in anticipation of potential litigation (ORS 192.345(1)).

(m) Certain identifying information of an individual that has applied for, or is a current or former holder of, a concealed handgun license as provided in ORS 192.374.

(n) Specific operation plans in connection with an anticipated threat to individual or public safety (ORS 192.345(18)).

(o) Any public records or information prohibited by federal law (ORS 192.355).

(p) Any public records or information prohibited, restricted, or made confidential or privileged under Oregon law (ORS 192.355).

(q) Records less than 75 years old that were sealed in compliance with statute or by court order. Such records may only be disclosed in response to a court order (ORS 192.398).

(r) Records of a person who has been in the custody or under the lawful supervision of a state agency, a court, or a unit of local government are exempt from disclosure for 25 years after termination of such custody or supervision. Disclosure of the fact that a person is in custody is allowed (ORS 192.398).

(s) Audio or video recordings from a member's body-worn camera that record the member's interaction with members of the public. Such recordings may only be disclosed under the conditions provided by ORS 192.345, including facial blurring.

(t) Personal information of complainants and of officers who are the subject of bias-based policing complaints. Personal information for this purpose means individual's name, address, date of birth, photograph, fingerprint, biometric data, driver license number, identification card number, or any other unique personal identifier or number (ORS 131.925; ORS 807.750).

(u) The identity of an individual or an officer from traffic or pedestrian stop data collected by the Department (ORS 131.935).

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(v) Information regarding the immigration status of any victim who is requesting certification for a U or T visa, or any documents submitted for U or T visa certification and any written responses to a certification request except where allowed by law (2019 Oregon Laws, c. 472, § 1).

(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.

1207.6 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 Prosecuting Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

1207.7 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records or their designee shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once expunged, members shall respond to any inquiry as though the record did not exist (ORS 137.225).

1207.8 SECURITY BREACHES

In the event of an unauthorized acquisition of personal information, the Chief of Police or the authorized designee shall ensure that an investigation into the breach is made and applicable steps pursuant to ORS 646A.602 et seq. are taken.

Required notice shall be made as follows (ORS 646A.604):

(a) Notice shall be made to any individual whose private or confidential data was or is reasonably believed to have been breached. Notice shall be provided in the most expeditious manner possible, without unreasonable delay, but not later than 45 days after becoming aware of the breach, unless the notice impedes a criminal investigation.

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1. The notice shall be made as set forth in ORS 646A.604 and include a general description of the breach of security; the approximate date of the breach; the type of information that was compromised; the contact information for the person providing the notice; the contact information for national consumer reporting agencies; and that any suspected identity theft should be reported to law enforcement, the Attorney General, and the Federal Trade Commission.

(b) When notice is delayed because it will impede an active criminal investigation, the member in charge of the investigation must document the reason why a delay in notification is necessary to the investigation.

(c) Provide substitute notice if notification would cost more than $250,000 or if there were more than 350,000 individuals whose personal information was breached.

(d) If notification is required to be made to more than 1,000 individuals, the Gresham 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.

1207.9 RETENTION OF OFFICER NOTEBOOKS

(a) Officers who elect to maintain a notebook for recording information related to duty assignments will maintain a notebook in a secure location.

1. Retain for a minimum period of two years from the date of the last entry in the book.

(b) Information kept on electronic organizers is subject to the same retention as the paper record unless the information is kept in another format for the duration of the retention period.

1. Retain for a minimum period of two years.

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Protected Information

1208.1 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 Gresham Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

1208.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Gresham 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.

1208.2 POLICY

Members of the Gresham 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.

1208.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records, Law Enforcement Data System (LEDS), and current records management system.

(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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1208.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Gresham 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.

1208.4.1 ACCESS TO OREGON STATE POLICE OFFENDER INFORMATION

Access to Oregon State Police (OSP) criminal offender information may be granted when the information is to be used for the administration of criminal justice, employment, or the information is required to implement a federal or state statute, local ordinance, Executive Order, or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct, or other demonstrated and legitimate needs (OAR 257-010-0025).

1208.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk. In those instances, cell phones should be used if possible. The transmission should be limited to essential details only, 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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1208.5.1 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 under the provisions of ORS 192.345(3), and after complying with all legal requirements.

This department will not release information originated by any other agency (ORS 192.410 through ORS 192.311 et seq). Individuals requesting this information shall be referred to the originating agency.

1208.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to:

(a) Developing and maintaining security practices, procedures, and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents including computer attacks.

(d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

1208.6.1 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).

1208.7 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.

1208.7.1 LEDS TRAINING
All members who operate a terminal to access the LEDS network shall complete a LEDS System Training Guide at a level consistent with the member's duties. Each member who operates a terminal to access LEDS must be re-certified by the Department every two years (OAR 257-015-0050).

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Animal Control

1209.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

1209.2 POLICY

It is the policy of the Gresham Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

1209.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation and determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding personnel generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

  (a) This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow them to properly care for the animal.

  (b) With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

  (c) If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

1209.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag if available and properly disposed of by the responding member.

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Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

1209.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

1209.5.1 INJURED WILDLIFE

Injured wildlife should be referred to the available resources for injured wildlife through Bureau of Emergency Communications (BOEC) such as; Multnomah County Animal Control, Oregon Department of Fish and Wildlife or Oregon State Police, Fish and Wildlife Division.

1209.6 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to those cited in ORS 133.379 (animal abuse, animal neglect).

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

(c) Members who lawfully seize an animal shall comply with the notice requirements of ORS 167.345.

1. Make reasonable effort to notify owner of impoundment.

2. If the officer can't identify the owner, the officer will post notice on premises or vehicle

3. Within 72 hours, have Records personnel send certified mail to the address, if any, from which animal was impounded.

1209.7 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

1209.8 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

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1209.9 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the on-duty shift supervisor or Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

1209.10 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

1209.11 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor when practicable.

1209.12 RESCUE OF ANIMALS IN VEHICLES

A member who has a good-faith belief that entry into a motor vehicle is necessary because a domestic animal inside the vehicle is in imminent danger of suffering harm may enter the vehicle to remove the animal (ORS 30.813). Members should:

(a) Determine that the motor vehicle is locked or there is no other reasonable method for the animal to exit the vehicle.

(b) Make a reasonable effort to locate the owner before entering the vehicle.

(c) Take steps to minimize damage to the vehicle, using no more force than necessary to enter the vehicle and remove the animal.

(d) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.

(e) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.

(f) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.

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Department Visitor Passes

1210.1 PURPOSE AND SCOPE

To establish and maintain a level of security that will provide for increased safety for employees and integrity of official investigations within the Gresham Police Department.

1210.1.1 DEFINITIONS

(a) For the purposes of this policy, these terms shall be defined as follows:

1. **Secured Area:** Any area of the Gresham Police Department through which a locked door or gate must be passed in order to gain access. This includes all areas between the door from the Fire Department near the DUII room, the front door from the lobby to Records, the door from the lobby to the desk officer's area, the vehicle and pedestrian gates to the secured north parking lot, and the exit door near the Administration Secretarial offices, leading to the City Council Chambers and outside areas.
2. **Employee:** Any paid or volunteer member, including regular and reserve sworn officers, community safety specialists, cadets, and civilian office staff of the Department.
3. **Suspect :** Any person in custody or under suspicion regarding an investigation.
4. **Visitor:** Any other person – including outside agency personnel, non-police City employees, job applicants, family members, citizens, etc., allowed into a secured area.

1210.2 PROCEDURE

(a) All visitors inside a secured area must be escorted by a Department member or prominently display the following:

1. Law Enforcement/Criminal Justice or City issued photo identifications or badge.
2. Department-issued Visitor's Pass (see Visitors Sections below).

(b) At the discretion of the Chief of Police, the Department may issue photo identification to certain non-police personnel, including but not limited to the City Manager, City Attorney, District Attorney's Office employees, janitorial staff, etc. who conduct regular business within the Department.

1210.2.1 ESCORTED VISITORS

If a visitor is continually escorted by a Department member, the visitor will not be required to obtain or display a visitor's pass. It is the Department member's responsibility to assure the visitor is accompanied at all times.

1210.2.2 UNESCORTED VISITORS

(a) All employees shall be responsible for issuing and returning visitor's passes as appropriate. Employees expecting a visitor in secured areas of the Department are

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responsible for issuing the appropriate GPD Visitor's Pass before or immediately upon allowing the visitor to enter a secured area.

(b) Upon logging in the visitor, the employee shall enter the date, time, name, pass number, and other necessary information into a logbook.It is the responsibility of the Department member expecting the visitor to issue the visitor a pass. Entries may be made by different employees, if circumstances warrant, but the visitor's pass shall be returned to the same location from which it was issued.

(c) A visitor's pass implies no right to access and may be revoked at any time, resulting in the visitor's removal from the Department.

1210.2.3 VISITORS ACCESS PASS

(a) Criteria

1. The visitor is a non-police City employee at GPD for meetings or other business. City photo ID or Key card shall be accepted in lieu of issuing a visitors pass when being accompanied by a Department member.

2. The visitor is a contract worker hired to perform a limited term function (short-term maintenance, remodels, etc.).

3. The visitor is a routine and frequent delivery or maintenance worker (copier repair, water delivery, etc.). Delivery personnel in business uniforms may make deliveries when accompanied by a Department member in lieu of issuing a green visitors pass.

4. The visitor is conducting other business and, at the discretion of the issuing employee, does not require full-time escort.

(b) Conditions

1. Visitors with this pass may have access to specific areas for specific purposes, and must declare such information when asked. Full-time escort is not required.

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CONDITIONS & RESTRICTIONS

- The bearer of this visitor's pass may have **LIMITED ACCESS** to Gresham Police Department facilities for purposes such as making deliveries, attending meetings, and other City business.

- Certain Sections (Investigations, Records) may require the bearer to be escorted by a Gresham Police Department employee as specific circumstances dictate.

- This visitor's pass must be prominently displayed at all times, either hung around the neck or attached to the outer layer of the visitor's clothing, on the upper left of the chest area.

Gresham Police Department employees are authorized, encouraged, and expected to confront any person not displaying a law enforcement badge, authorized photo ID, or a visitor's pass.

THIS VISITOR'S PASS MUST BE RETURNED TO THE LOCATION FROM WHICH IT WAS ISSUED BEFORE THE BEARER LEAVES THE GRESHAM POLICE DEPARTMENT.

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(c) Employees shall rely upon their own discretion when issuing visitor's passes. Officers hosting non-Department "ride-along" observers shall issue the observer a visitors pass because the officer may have to periodically leave the visitor unattended for brief periods of time.

(d) Visitor's passes shall not be issued to, and display of photo ID shall not be required of, persons considered to be suspects. All suspects in secured areas shall be in the

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immediate custody and control of a sworn law enforcement officer, unless the suspect is within the DUII processing/holding facility.

(e) All GPD employees are authorized, encouraged, and expected to confront any person within a secured area who is not displaying authorized ID or a visitor's pass as prescribed by this section. Any person not displaying a sworn law enforcement badge, authorized photo ID, or visitor's pass as prescribed in this section may be considered a suspect and treated appropriately. Employees shall identify and remove unauthorized persons as appropriate and assist legitimate visitors by issuing passes.

1210.3 VISITORS PASS LOCATIONS

A supply of each type of visitor's pass shall be kept with a logbook at each of the following locations:

(a) Administrative Support Services

(b) Records Section

1210.3.1 SAMPLE LOGBOOK

Visitor Check in and Out			Visitor Name	Employee / Escort Name	DPSST #	Pass #	REASON
DATE	Check In Time	Check Out Time	*Print/write legibly*	*No pass required if escorted*			
8/15/02	1500	1530	John Q. Public	Officer Jim Smith	00000	341	Meeting

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Purchase Requisitions and Payment Authorizations

1211.1 PURPOSE AND SCOPE

(a) The City of Gresham has developed a purchasing policy for all departments, divisions and sections. The purpose of this policy is to ensure fair, objective, and fiscally sound purchasing activities. Expenditures of public funds are one of the most critical areas of public trust and concern. It is the responsibility of every employee of the Police Department, who has occasion to spend public funds, to ensure the highest levels of integrity and accountability.

(b) The Department will adhere to the purchasing policy, directives and procedures developed through the City of Gresham.

1211.2 PURCHASING

(a) Authority to purchase is granted by:

1. Gresham Revised Code (GRC 2.80) governs all City purchases.
2. Gresham Administrative Rules (GARS 6.06) provides management approvals and general administrative procedures.
3. Council Resolution 3015 requires City staff to purchase goods and services from local vendors when possible.

1211.3 LEVELS OF PURCHASING

(a) There are three levels of purchasing more routinely encountered by members.

1. <u>Purchase of items $5000 or less</u>

   (a) These purchases can be made directly to an appropriate vendor. Quotes are recommended but not required.

   (b) These purchases are normally made by completing a Purchase Requisition or through a Blanket Purchase Order (PO). When utilizing a PO, approval of a Program Manager (Command Staff member with the rank of Lieutenant or higher) is required. Approval can be in the form of a signature on the Purchase Requisition or electronic communication to the Services Division Commander authorizing the purchase. The completed requisition shall be forwarded to the Services Division for processing.

   (c) Members wishing to make a purchase under a Blanket Purchase Order shall seek the approval of a Program Manager prior to the purchase. Emergency purchases are exempt to the requirement of a Program Manager approval but should be approved by a supervisor when practical.

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(d) Purchases of items $3001 to $5000 require approval of a Command Staff member with the rank of lieutenant or higher.

2. Purchase of items $5001-$50,000

(a) There are three requirements to making purchases in this category:

1. Obtain three quotes from vendors. Document these quotes and include them with the completed Purchase Requisition.

2. Check with the City of Gresham Purchasing Agent to inquire about a State Contract or other government contract with the vendor you wish to make a purchase from.

3. If the vendor is the only distributor of that item, obtain a Sole Source Vendor Waiver.

(b) Purchases of items $5001 to $10,000 require approval of a Command Staff member with the rank of Deputy Chief or higher.

(c) Purchases of items $10,001 to $25,000 require the approval of the Chief of Police.

(d) Purchases of items exceeding $25,000 require approval of the City Manager.

(e) When requesting authorization for purchases, members shall submit the request through the chain-of-command to the appropriate authorizing level.

3. Purchases of items over $50,000

(a) Purchases over $50,000 require a formal solicitation process to include an Invitation to Bid or Request for Proposal from appropriate vendors

(b) The City Council must approve purchases over $50,000.

(c) Authorization to proceed with creating a purchasing proposal for items exceeding $50,000 must first be granted by the Chief of Police.

(d) When requesting authorization to create a purchasing proposal, members shall submit the request through the chain-of-command to the Chief of Police.

1211.4 PAYMENT FOR ITEMS OR SERVICES RENDERED

(a) When the Police Department receives a bill or request for payment:

1. For items or services previously and appropriately approved and authorized, no further approval or authorization is required.

2. For items or services not previously or appropriately approved and authorized, approval or authorization shall be obtained by the appropriate Program Manager or authorizing member of Command Staff prior to payment being remitted.

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Prescription Drug Collection Box

1212.1 PURPOSE AND SCOPE

(a) The purpose of this policy is to assist citizens in safely disposing of unwanted medications and prescription drugs.

(b) To provide the procedure for delivering prescription drop box property to the Gresham Police property room.

1212.2 DEFINITIONS

(a) Acceptable for deposit/disposal: Prescription medications and samples, all over the counter medications, vitamins, pet medications, medicated ointments, liquid medication in leak proof containers.

(b) Not acceptable for deposit/disposal: Thermometers, sharps, syringes, IV bags, bloody or infectious waste, hydrogen peroxide, aerosol cans, inhalers, EpiPens.

1212.3 PROCEDURE

(a) The locked prescription drop box will contain a collection bin that will be lined with a leak proof plastic bag.

(b) A Police Property Technician will be assigned to collect the prescription drop box contents on a weekly basis or as necessary to ensure the box is not filled to capacity. The weekly collection will be done by a minimum of two (2) personnel, one being assigned to the Property and Evidence Section and one being an armed Officer or Detective. Any other entry into the Drug Collection Box outside of this directive will be with the approval of the Division Commander.

(c) The key to the prescription drop box will be kept in the Gresham Police Property Control office, accessed only by a Police Property Technician, Senior Police Property Technician, and Criminalist.

(d) When emptying the prescription drop box, precautions will be taken to avoid exposure to blood borne pathogens and medications that may have spilled within the container. Staff shall wear appropriate personal safety equipment provided by the Department when emptying the prescription drop box.

(e) After unlocking the prescription drop box, the Police Property Technician will remove the collection bin and conduct a cursory observation to ensure that no unapproved items have been placed inside the drop box. Unapproved items will be removed and disposed of in accordance with current general orders and procedures.

(f) The Police Property Technician will remove the plastic bag containing the drop box contents from the collection bin, then line the empty bin with a new leak proof plastic bag and lock the drop box.

(g) Removed plastic bags containing approved property are to be sealed with a red plastic zip-tie, which are lot numbered and stamped, and then each lot number logged and

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initialed by both personnel witnessing the seal of the bags. The sealed bags are then transported by the Police Technician to the storage area awaiting destruction.

(h) Once there are enough sealed bags in the awaiting destruction area to fill a cardboard box, a case number will be assigned to each filled box in FileOnQ. Each case number will be used to track the number of bags and their red plastic zip-tie lt numbers with each sealed box. Each box will be taped closed using evidence tape and initialed by both technicians after an inventory of all lot numbers in that box has been completed. Both technicians will initial the lot number log to document that this has been completed.

(i) Each of the sealed stored boxes of the contents from the prescription drug box will be delivered to the appropriate burn center at the next scheduled run.

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Records Assist Desk Operations Procedure

1213.1 PURPOSE AND SCOPE

(a) To establish procedures and responsibilities of the Records Assist Desk position and ensure timely response to Officers and other staff, as requested, on a twenty-four hour a day, seven-day a week basis.

1213.2 RESPONSIBILITIES

(a) Respond to Officers and other staff requests for service in a timely, professional manner.

(b) Radio transmissions on the Records Net will be recorded and maintained by the Bureau of Emergency Communications (BOEC) for a period of three years.

1213.3 PROCEDURES

(a) GENERAL INFORMATION

1. Unless otherwise specified all requests for records checks will include LEDS (Law Enforcement Data System), NCIC (National Crime Information Center), and DMV (Department of Motor Vehicles).

    (a) To assure that the correct subject was run, the Police Records Specialist (PRS) will repeat the name and date of birth of the subject they have queried at the time they return the status to the Officer.

2. Gresham Records Management System (RMS), Portland Police Data System (PPDS), and Computer Aided Dispatch (CAD) will be checked upon request by the Officer.

3. All information obtained from LEDS, NCIC, DMV, or CAD that has been requested by an Officer will be attached to the Assist Desk log. Any information that results in the generation of a case will require the original computer printouts to be attached to that case file folder. The PRS will make a notation on the Records Assist Desk log of the case number issued and note the case number on all teletype work in the file.

4. All requests for service will be processed in the order they are received unless the situation dictates otherwise.

5. Dissemination of computerized criminal history (CCH) information over the radio or CAD will be limited; the Officer shall obtain specific information in person.

(b) HITS

1. If there is a “Hit” on the inquiry or the PRS receives information necessary to Officer safety, advise the Officer in 10-code of the situation.

2. If the PRS gets a “Hit” on a warrant: Immediately advise the Officer “are you 10-51, 52 or 10-51, 53”, then wait for an acknowledgement before giving the information.

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3. If the PRS gets a “Hit” on information considered to be officer safety i.e., corrections client hits, gang member hits, concealed handgun permit holders, etc., advise the officer the subject is clear and ask the Officer if they are “51” for additional information. Wait for an acknowledgement and proceed with the information.

4. Stolen vehicle and stolen license plate information will be given to the Officer using the appropriate radio code. Ask the Officer if he is “51” or “10-51”, wait for an acknowledgement and then proceed with the information.

5. Stolen property information will be given to the Officer using the appropriate radio code. Ask the Officer if he is “51” or “10-51”, wait for an acknowledgement and then proceed with the information.

(c) NEAR HITS

1. If a PRS receives information on a subject that is “Near” to the subject of inquiry for an officer, ask the officer if he is “51 for a possible near-by hit?” Wait for an acknowledgement and then proceed with information. Give all information that will aid in making an identification including scars, marks, tattoos, and any identifying information, i.e., driver’s license, social security, FBI, and state identification numbers.

(d) WANTED PERSON CHECKS

1. All requests for warrant checks or wanted status will be checked in LEDS/NCIC. Wanted status can be run by name and DOB or by driver’s license number. If requested by an Officer a “hand search” for un-entered warrants can be completed by contacting Multnomah County Warrants by telephone.

2. If the driver’s license reveals an AKA the AKA name must be rechecked in LEDS/ NCIC.

3. Warrant checks must be run using the middle name whenever available. NCIC <u>WILL NOT</u> GIVE A NEAR HIT BASED ON NAME AND DOB.

4. Hispanic or hyphenated names must be run in all combinations.

(e) WARRANT CONFIRMATION AND PROCEDURES

1. Advise the officer you have either a **“HIT”** or **“NEAR HIT”** on the subject in question. This will be done by the use of radio “10” code only. Warrant information will never be voiced over the air without the consent of the Officer.

2. At the request of the Officer, **“NEAR HIT”** information from the warrant will be exchanged to determine that the person in custody is the correct person listed on the warrant.

3. Confirm the warrant immediately via telephone with the entering Agency and request a teletype confirmation be sent to Gresham PD (GSP) and Multnomah County Booking (MCL). The name of the person from the entering agency confirming the warrant will be noted on the warrant teletype, along with the date and time, and placed in the file folder. Confirmation request teletypes will be sent for all warrants issued outside of Oregon by using the YQ format.

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4. If the Records Assist Desk is unable to make the telephone call for confirmation, another PRS will provide assistance as required.
5. Enter a “LOCATE” on the warrant in LEDS and send an Administrative Message (A.M.) to the entering agency and MCL advising of the warrant service. Be sure to send the A.M. message to any additional agencies listed; for example Corrections, Gang Unit, Sex Offender Unit, etc.
   (a) **NOTE:**Be sure that the Officer has the correct subject “In Custody” before you place the locate. If you have any doubts you must confirm the status with the officer.

(f) RESTRAINING ORDER CHECKS

1. Terms of Restraining Orders in Multnomah County can be obtained by calling Multnomah County Records.
2. For Restraining Orders outside of Multnomah County contact the entering agency for further information.

(g) DRIVERS LICENSE CHECKS (OP STATUS)

1. Drivers license status may be run by name and DOB or by driver’s license number (ODL). If wants check is done by ODL the Officer must also give the last name to ensure the correct number has been run. To assure that the correct subject was run, the PRS will repeat the name and date of birth of the subject they have queried at the time they return the status to the Officer.
2. Always check wanted status when running a driving record unless otherwise specified.
3. Out of state driving records may be obtained through LEDS using the “DQ” format.
4. Any time the status reads other than “ current/not suspended”, relay to the officer the nature of the suspension and the level, i.e., Infraction, misdemeanor, felony.

(h) MISSING PERSONS/RUNAWAY JUVENILES

1. Missing persons found in LEDS/NCIC will be handled at the direction of the contacting Officer.
2. Enter a locate on the entry and advise the entering agency of the contact and disposition of the missing person.
3. If the subject is a juvenile the PRS must first confirm that it is a valid Runaway (RJV) entry, either by telephone or by using the LEDS “YQ” format.
4. Advise the entering agency and the juvenile courts (JDH) via A.M. that the subject is in custody and that they will be lodged or released.
5. Enter a locate on the record.
6. Our record is self-canceling if it is an arrest by another Oregon agency. If the arrest is outside of Oregon or if it is an arrest for our agency, the PRS will need to clear the entry. Query the subject to make certain they are cleared from LEDS.

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7. Tape the locate on a Special Report or copy and paste the information into a Special Report document and detail your actions. Note on the Special Report the arresting agency if other than GPD.

(i) VEHICLE LICENSE/REGISTRATION CHECKS

1. Check the license plate for stolen. If the plate has expired check the vehicle identification number (VIN) for stolen regardless of the length of expiration.
2. When giving information to the Officer repeat the license plate and indicate the year and make of the vehicle to ensure it is the correct vehicle. Further information may need to be exchanged to make proper identification.
3. When checking a vehicle by VIN for stolen/registration, the plate that appears on the registration will also need to be run for stolen.
4. If a license plate or VIN returns a stolen “HIT” the information will be returned to the Officer by using radio 10-51 code. Stolen Vehicle/Plate information WILL NOTbe voiced over the radio unless the officer indicates it is clear to do so.

(j) OUTSIDE AGENCY RECOVERY OF GRESHAM STOLEN VEHICLE

1. When a “Locate” on the stolen vehicle is received, pull the file.
2. Clear the vehicle from LEDS/NCIC as soon as possible.
3. Send an A.M. message to the recovering agency using the LEDS GRV1 mask that provides vehicle and victim information.
4. When you receive a response from the recovering agency with the recovery information call the victim and advise them of recovery information. These calls are made at any time, day or night; the hour of day is not a consideration. The victim will not need a release from us to claim the vehicle, however, he/she may be required to obtain one by the recovering agency. Most agencies will state their policy on the A.M. message they send out. The PRS MUST make contact with the victim or an appropriate substitute (i.e.. husband, wife, son, daughter). A message on a telephone recorder is not sufficient for contact.
5. Place the locate and A.M. message from the recovering agency on a Special Report by taping it to a report or copying and pasting the information into a Word document that describes the actions you have taken including names, dates, vehicle condition if available, the tow company information if applicable, and times.
6. Issue a tow letter to the RO/Victim and Lien Holder if one is listed. If the vehicle has been released to the owner at the scene a recovery letter must be sent to the Lien Holder.
7. Note the recovery information on the front of the file folder.

(k) VEHICLE RECOVERY FOR AN OUTSIDE AGENCY

1. When you have been advised by an Officer that he is recovering a vehicle for an outside agency you mustconfirm with the entering agency that it is a valid

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stolen. Obtain information regarding the condition of the vehicle so it may be included in the A.M. message that is sent to the entering agency.

2. Run the License Plate or VIN number to get the LEDS/NCIC hit.
3. Issue a case number and call a tow if requested.
4. Send a “Locate” and A.M. message with recovery details to the entering agency using the LEDS GRV 2 mask.
5. Impound the vehicle in LEDS and send a tow letter.
6. Notify the complainant of the recovery and advise them they will need to come to GPD and obtain a release before going to the tow company.
7. Write a Special Report and attach all incoming teletypes from the entering agency. Document your actions along with names, dates and times.
8. Complete the information on the front of the file folder.

(l) VEHICLE RECOVERY FOR OUR AGENCY BY OUR OFFICER

1. When advised that an Officer is recovering a vehicle that has been reported stolen, run the license plate in LEDS/NCIC and get the “hit” if the case number is not known and then pull the file.
2. If requested, call a tow and notify the victim and have them respond to the scene and take possession of the vehicle.
3. Clear the vehicle entry from LEDS/NCIC as soon as possible.
4. Advise the victim of the recovery and instruct them to come to GPD and obtain a release. A message on a telephone recorder is not sufficient for notification.
5. Send a tow letter. If the vehicle has been released at the scene a letter to the victim is not necessary. However, a letter to the Lien Holder must be sent if there is one listed on the registration.
6. Document the recovery and notification information on the front of the file folder.
7. NOTE: When Gresham recovers our own stolen vehicle a “Special Report” is not required unless circumstances dictate the need for one. All documentation will be in the recovery report written by the Officer. Recovery information will be noted on the front of the file folder in the designated fields.

(m) BOAT CHECKS/REGISTRATIONS

1. Check the registration number for stolen and registration information.

(n) STOLEN PROPERTY CHECKS

1. Check property and guns in LEDS and NCIC if applicable.
2. Hits on stolen property or guns will be given to the Officer using radio code. Information will only be voiced at the Officers direction.

(o) ORDER TOWS

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1. When a tow is requested priority should be given in making the call to the tow company as to not detain the Officer longer than need be waiting for the tow truck to arrive.
2. Requests for tows will be logged in the appropriate tow log for the next company in rotation. Accurate recording of the time the tow was called is important in keeping with the tow contract.

(p) CORRECTION CLIENT HITS

1. If a Corrections Client Hit (CCC) is returned with a wanted check and the officer requests a CCC notification be made, include the officer's DPSST and the reason for the contact.
2. If a file number was issued in connection with the CCC subject, place the teletype in the file. If no file was issued and it is information only, place the teletype in the 14-day purge folder at the Assist Desk (blue folder).

(q) MONITORING HOLDING FACILITY AND BUILDING SECURITY

1. The holding facility, DUII room, prisoner cells, front entrance and hallways are monitored visually by camera and by audio. These areas are to be monitored at all times when people are present.
2. It is the responsibility of the PRS working the Assist Desk to provide the Officers access to prisoner cells, sally-port and hallway doors; this is done by use of the control panel located at the Assist Desk. Call boxes are located by the doors to alert the PRS that an officer needs that door opened. Cell doors will only be opened by voice command and once visual confirmation has been made that an Officer is present (see Policy 407 Temporary Custody of Adults).
3. The sally-port door will be raised and lowered upon radio request by an Officer or via in-house audio monitor. Care must be given to ensure vehicles and persons are clear of the door before the open/close sequence has begun.
4. When cells are occupied the plastic notification sign at the Records Assist Desk will be turned to indicate "Cells Occupied". When all cells are clear the sign will be turned to indicate "Cells Empty.

(r) FACILITIES AND EQUIPMENT SECURITY

1. Access to the Police Records Section will be limited to authorized personnel only. Visitors will either display law enforcement identification or be issued a visitors pass to be clearly displayed at all times.
2. The radio and computer equipment will be connected to an emergency uninterrupted power source (UPS). This provides power to the equipment until the backup generator power starts.
3. The generator is run once a week and a check is made every morning of all the electrical equipment. Facilities/Property Management Division maintains a yearly and weekly report on the generators.

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4. Radio equipment and related equipment are serviced, by request, through the Services Division and they maintain all contracts and service agreements.
5. Access to the building after hours is by authorization only. All visitors will be in compliance with the Department's visitor policy (see Policy 1210, Department Visitor Passes). Access controls for the Building and Records door are located at the Assist Desk, Main Desk and at the Second Desk.

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LEDS System

1214.1 PURPOSE AND SCOPE

(a) The Gresham Police Department has access to information contained in computer systems located at local, state and national levels. These systems are essential in disseminating information to police officers of this and other agencies.

1214.2 RESPONSIBILITIES

(a) Law Enforcement agencies accept computer messages with the knowledge that the information is authentic and from another Law Enforcement Agency. This knowledge eliminates the necessity to verify the source of each message or its contents before action is initiated. Verification to protect the agencies involved is not possible with telephone or radio communications. The written work eliminates the possibility of error or misinterpretation inherent in oral communications. Computer messages are accepted and legally honored in effecting an arrest when the requesting agency states it has a warrant and will extradite. Messages transmitted over any computer system are subject to provisions of Federal and State laws governing secrecy of communications.

(b) Personnel receiving or transmitting communications will not divulge the existence, content or meaning of any message to any person other than the addressee or to a person employed or authorized to forward such communication to its destination.

(c) Each agency is responsible for the delivery of messages within its jurisdiction.

1214.3 STATE AND NATIONAL SYSTEM AVAILABLE

(a) Oregon Law Enforcement Data System (LEDS) – LEDS provides automated message switching between Law Enforcement agencies in Oregon and is the means of accessing the National Law Enforcement Teletype System (NLETS), the Oregon Department of Motor Vehicles (DMV), and the National Crime Information Center (NCIC). A complete description of the system is given in the LEDS Operations Manual, section 1.3 of the LEDS Operation Manual.

(b) NATIONAL CRIME INFORMATION CENTER (NCIC) – NCIC is managed by the Federal Bureau of Investigation and is an automated index to wanted persons, stolen vehicles and items of identifiable stolen property. The individual user agencies are responsible for entering, up dating, clearing and verification of eligible data based on incidents reported within their jurisdictions. Training of all department members who have access to the systems is the responsibility of the user agency, section 1.3.2 of the LEDS Operation Manual.

1. The Gresham Police Department has access to the system via LEDS. Detailed instructions, formats and system description are contained in the LEDS Operations Manual.

2. Terminal operations information is available in the Records Section and via the LEDS web site. Operation of terminals and access to CCH information is limited

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to department-authorized personnel who hold current certification through the LEDS system.

(c) NATIONAL LAW ENFORCEMENT TELETYPE SYSTEM (NLETS)

1. This system provides a means of communication by written message between Law Enforcement agencies within the continental limits of the United States, Alaska and Canada.

2. Any agency in the United States (except Hawaii) may be addressed by use of the NCIC assigned identifier (Gresham is OR0260100). These codes are available by requesting information by city and agency type through the NLETS system, refer to Section 21 of the LEDS Operating Manual.

3. Information on Criminal History files and motor vehicle files for other states may be obtained through NLETS.

4. Information on correct format for NLETS messages will be found in the LEDS Operations Manual.

(d) COMPUTERIZED CRIMINAL HISTORY (CCH)

1. CCH records are available from the Oregon State Bureau of Identification at Oregon State Police Headquarters in Salem and through the National Crime Information Center (NCIC) at the Federal Bureau of Investigation. Automated CCH records are provided for those states that participate in the Interstate Identification Index (III).

2. Access to law enforcement computer systems is limited to police agencies and criminal justice systems. The Gresham Police Department has been required to sign a security agreement for the protection of the information that is received over the LEDS terminal.

3. Officers will have complete access to the information contained within the reply. Printed reply WILL NOT be copied or placed in case file folders and must be destroyed by shredding (refer to the General Order relating to the release of information).

(e) DEPARTMENT OF MOTOR VEHICLES (DMV)

1. Oregon vehicle registration and driver license information is available to the Gresham Police Department via the LEDS interface to the DMV computer.

2. Format for inquiry is detailed in the LEDS Operations Manual (Section 4 & 5). DMV Manuals with detailed descriptions of the printout codes for driving records and vehicle registrations are available in the Records Section.

(f) BOAT REGISTRATION – Oregon marine Board registrations are available via Administrative Message. Refer to the LEDS Manual for details (Section 10).

(g) NAVAL CRIMINAL INVESTIGATIVE SERVCE (NCIS LinX NW)

1. This system provides a search tool for Federal, State, and local law enforcement agencies and the FBI to participate in information sharing.

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2. Each agency using LinXNW retains sole ownership of, and control over content and information dissemination. The contributing party has the sole responsibility and accountability for ensuring compliance with all applicable laws, regulations, policies, and procedures applicable to the entry and sharing of information into LinX.
3. The NCIS LinX database warehouse collection will reside on a server located at the Seattle Division FBI office and be accessible via secure Internet connections for read, analytical and lead purposes only.

1214.4 LEDS FILE CONTENTS

(a) Wanted Persons:

Felony Warrants	LEDS/NCIC
Temporary Felony Wants	LEDS/NCIC
State Felony Warrants	LEDS
Misdemeanor Warrants	LEDS
Municipal Warrants	LEDS

(b) Persons of Interest:

Concealed Handgun Permits & Firearm Prohibition Orders	LEDS
Correction Offenders (Parole, Probation, Supervised Pre-trial Release) and Registered Sex Offenders	LEDS
Fatal or Unconscious Accident Victims (identifiable, where next of kin cannot be immediately located)	LEDS
Psych. Security Review Board Orders	LEDS/NCIC
Officer Safety Alert (Gang member & Drug manufacturers)	LEDS
Armed Career Criminal Records	LEDS
U.S. Secret Service Protection files	LEDS/NCIC

(c) Missing Persons, Unidentified Persons File

Missing persons (adults & juveniles)	LEDS/NCIC
Unidentified dead persons	NCIC
Unidentified disaster victims	NCIC

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Unidentified living persons, amnesiacs, comatose, etc.	NCIC

(d) Vehicle File

Stolen vehicles	LEDS/NCIC
Vehicle used in felony	LEDS/NCIC
Stolen license plates	LEDS/NCIC
Stolen vehicle parts	LEDS/NCIC
Impound vehicles	LEDS
Repossessed vehicles	LEDS
Missing vehicles	LEDS

(e) Gun File

Stolen guns	LEDS/NCIC
Recovered guns (not known to be stolen)	LEDS/NCIC
Pawned guns	LEDS
Lost guns	LEDS

(f) Article File

Stolen articles	LEDS/NCIC
Recovered articles	LEDS
Pawned articles	LEDS
Lost articles	LEDS

(g) Security File

Stolen securities	NCIC

(h) Boat File

Stolen boats	NCIC

(i) Criminal History

Oregon criminal histories	LEDS
Interstate Id Index (III)	NCIC

(j) Restraining Order File

Civil restraining orders	LEDS

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1214.5 EQUIPMENT MAINTENANCE

(a) Instructions for changing printer toner cartridges and paper are available for each printer and/or copy machine.

1214.6 MALFUNCTIONS

(a) Operators must be alert for possible trouble. After checking for functional power source, server connection, correct loading of toner cartridges and paper, etc.; if a problem cannot be resolved notify the LEDS center. If the problem has not terminated the terminal operation, a message describing the concern can be sent to the LEDS Operation Center.

(b) If all the equipment is down, call LEDS by phone using the number listed in the current LEDS Manual to notify them that the LEDS System is down.

(c) If the entire LEDS system is down, notify the City IT department immediately by phone or pager.

(d) If LEDS is down on a single computer, set up a support call with the City's IT Department and let all Records personnel know.

1214.7 PROCESSING REQUIREMENTS

(a) All reports submitted (original, supplemental and clearance reports) by officers and clerks of this department will be reviewed to determine if computer entry is required.

(b) Processing of qualified entries will be made in a timely manner.

1214.8 TRAINING

(a) The LEDS System and the Department of Motor Vehicle provide self-paced training manuals for Department Personnel.

(b) The Department LEDS Representative will obtain LEDS and UCR Manuals and monitor their completion for certification for all Department members.

1214.9 SYSTEM VALIDATIONS

(a) The LEDS System routinely submits Validation listings that require the entry information contained in the LEDS/NCIC files for a designated period to be checked against the original file.

(b) Processing of Validation lists will be accomplished as outline in Policy 1202, Records Section.

1214.10 AUTHORITY TO ACCESS LEDS

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1214.10.1 AUTHORIZED USE AND ACCESS OF TELE-COMMUNICATIONS SYSTEMS AND EQUIPMENT

(a) Access to all teletype communications systems of the Gresham Police Department are subject to the Administrative Rules of the Oregon Law Enforcement Data System (LEDS) and will be limited to department members and other Criminal Justice Agencies listed in this order and accompanying Special Orders.

(b) Investigators for the Gresham Fire Department will be allowed access for warrant, CCH and DMV information if they are LEDS certified.

(c) All information received via LEDS is strictly confidential and will only be given to Law Enforcement /Criminal Justice personnel.

(d) Requests from individuals to view their own CCH or DMV records will be referred to the appropriate agency (see below).

1. CCH Records are only available through the Oregon State Police Bureau of Identification. Individuals should be referred to the local office for information on required procedures.

2. Department of Motor Vehicle records are only available as public records when obtained through the DMV and upon payment of a fee.

3. Requests for information from systems operated by individual agencies will be referred to the appropriate agency.

4. LEDS will not be used for personal information, or to obtain information on other people, or to provide information to other persons outside of law enforcement.

(e) Instances of unauthorized individuals attempting to obtain information from tele-communications systems have been documented by the LEDS System and local departments are warned to be aware of such attempts.

Individuals frequently state that their agency system is temporarily out-of-service and ask for assistance in obtaining information. All such requests will be denied and the requesting individual instructed to contact the LEDS System or their own state control agency. These occurrences will be immediately reported to the LEDS System via AM message, and the printer copy of the message will be forwarded to the Records Manager. If the request is made by phone, a special report will be written and given to the Records Manager and a copy emailed or faxed to LEDS.

(f) When a person is no longer employed with the law enforcement agency, their access to the system will be terminated. LEDS will be notified of the separation of employment in a timely manner by the Records Manager. OSP ID Services will be notified by letter on letterhead, or an email, indicating the user has left our agency so ID Services can remove them from under our ORI number.

1214.10.2 PROCESSING REQUESTS FROM LAW ENFORCEMENT PERSONNEL

(a) All department personnel may request information from teletype/computer systems for authorized purposes.

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(b) Radio Requests - All department personnel will request teletype and computer information by using the assigned dispatch frequency.

1. Officers may request via radio communications that information be obtained for them and printer copies be held for their review or inclusion in a case file.

2. Under normal circumstances, Records Section personnel can relay teletype or computer information in the appropriate manner using approved radio communications, i.e. 10-51 for 52 or 53 or for warrant confirmations.

3. The requesting department member's DPPST number will be included in all CCH inquiry messages.

(c) In-Person Requests

1. Members of a Criminal Justice Agency will be allowed access to information from teletype and computer files upon presentation of appropriate identification.

2. ALL INQUIRIES WILL BE MADE USING THE NCIC ORI OF THE INDIVIDUAL'S AGENCY. If that number is not known or available, no teletype or computer inquiries will be allowed.

(d) Request by Administrative Message

1. All Administrative Messages (AM) sent from OUTSIDE the State of Oregon will be received on the designated LEDS printer in the Records Section.

2. All AM messages sent from INSIDE the State will be received on the designated LEDS printer in the Records Section unless specifically addressed to the Investigation Section printer or terminal.

3. An AM message response will be returned to the originating agency for any message SPECIFICALLY ADDRESSED to this agency.

(a) Messages received with APB or AREA CODE addresses do not require a response unless we have information relative to the inquiry.

(b) When SUSPECT information is requested or available, the agency will be informed to contact the Investigation Section for additional details of the case. Return message will include identifying information and case numbers.

(c) When ARREST information is requested the response will include disposition information when available. Arrest information that is not supported by disposition will include information that the inquiring agency should contact the Multnomah County District Court for disposition. Return message will include date of incident, arrest charge, citation number, and DA number if available.

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Assist Desk Radio Protocol Procedure

1215.1 PURPOSE AND SCOPE

(a) To establish radio communication procedures for the Records Assist Desk.

1215.2 RESPONSIBILITIES

(a) To ensure a timely response to officers and other staff in the field. Radio transmissions on the Records Channel (A2) will be recorded and maintained by the Bureau of Emergency Communications (BOEC).

1215.3 PROCEDURES

(a) Duration of Transmissions

1. All radio communications shall be kept to the minimum practicable transmission time.

(b) Clarity

1. In disseminating information over the telephone or radio the Police Records Specialist at the Assist Desk shall give the utmost attention to the clarity of the words being broadcast, and speak at a rate that will allow the personnel receiving the broadcast, to copy the pertinent information.
2. Care must be given to the clear enunciation of numbers in vehicle license plates and addresses. Numbers shall be given one digit at a time. For example:
   (a) Say: “One three three three Northwest Eastman Parkway”
   (b) Do not say: “Thirteen thirty three Northwest Eastman Parkway”
3. For alphabetic clarity the Phonetic Alphabet will be used in radio transmissions (see APPENDIX 1215A).
4. In response to questions asked via the Records Net the following words shall be used.
   (a) YES: Say “Affirmative”
   (b) NO: Say “Negative”
   (c) OK: Say “Copy”

(c) Station Identification

1. The Gresham Police Department Records Division will be known as “8100” or “eighty one hundred”.
2. Access to the main dispatch channel (A1) will be done by waiting for clear radio traffic and then announcing “8100,”wait for a response, and then you may proceed with the request.
3. Officers and other personnel in the field will access the Records Channel (A2) by announcing their radio call number and “8100.” For example:

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(a) They will say: "One fifteen to eighty one hundred"

(b) You will say: "Eighty one hundred"

(d) Officer Safety

1. It is at all times, the responsibility of the Police Records Specialist at the Assist Desk to ensure the accuracy of the information that is broadcast and to protect the safety of the recipient.

2. All information that is of a sensitive nature, or would otherwise compromise the safety of officers or personnel will be given in "Radio 10 code" (see APPENDIX 1215B). Some examples would be warrants, stolen vehicles, missing persons, and officer safety information.

3. Radio transmissions at the Assist Desk will have priority over telephone calls and officers in need of assistance in person.

4. GPD/MCSO radio channel (A1) will be continuously monitored to be aware of the officer's activities, types of calls the officer is on and any instructions given by BOEC dispatch.

5. In the event an officer is broadcasting on the Records channel (A2) in a high risk situation, the on duty Assist Desk clerk will immediately notify the dispatch radio channel (A1) of the situation via the radio.

   (a) The clerk will ask the dispatcher to **patch** the Records channel and the main GPD/MCSO dispatch channel (A1) so they can monitor and take control of the incident.

   (b) The clerk will then advise the dispatcher of the circumstances and any details necessary to ensure officer safety.

(e) Radio Information

1. All radio traffic shall be kept to business related subjects.

2. Routine LEDS/NCIC/DMV checks of vehicles or persons will be done by the records clerk assigned to the assist desk position. More in depth searches will be done by a clerk in the main records section.

3. Information on persons will be given to officers in the following manner:

   (a) Information critical for officer safety will be given first if possible.

   (b) Get the wanted status first and then driving information.

   (c) If the subject is wanted you **must** use the Radio 10 Code.

      1. Example – no wants: "Your subject Smith is clear and valid."

      2. Example – with wants: "Are you 10-51, 10-52?" or simply 10-51, 52."

   (d) The subjects name will always be voiced back to the Officer to insure the correct person has been checked in LEDS/NCIC.

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4. Vehicle information will begin with the repeating of the vehicle plate or vehicle identification number, followed by the vehicle status and requested information (i.e. make, model, address of registered owner and year of expiration).

(f) Radio Etiquette

1. Do NOT transmit superfluous signals, messages, or communications of any kind on your radio transmitter.
2. Do NOT use profane, indecent or obscene language.
3. Do NOT cause unlawful or malicious interference with any radio communication.
4. Do NOT deny access to radio equipment if a properly identified representative of the Federal Communications Commission (FCC) asks to inspect it.

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Processing PPI and REPO Reports

1216.1 PURPOSE AND SCOPE

(a) This order outlines the Records procedure for taking information and processing Private Property Impounds (PPI) and Repossessed Vehicles (REPO).

1216.2 PROCEDURES

(a) PRIVATE PROPERTY IMPOUNDS (PPI'S) - LEDS entries will be made using the current year, and the letters "PPI." Use message key "**EIVP**" for LEDS entry.

  (a) LEDS entry and DMV registration print out information will be attached to the Tow Information form (see APPENDIX 1216A). Query information will be noted on the tow form by checking the LEDS/NCIC check lines.

  (b) EIVP entries will be cancelled if the registered owner is advised of the tow circumstances and given information on the location of the vehicle.

  (c) EIVP entries not cancelled will be routinely purged from the computer files by LEDS in 30 days.

(b) REPOSSESSED VEHICLE TOWS (REPOS) - Repos are not assigned numerical case numbers and are filed by the month of tow. Use message key "**ERV**" and use **YYREPO** (YY represents the year, i.e. 08REPO) as the case number when making LEDS entry.

  (a) LEDS entry and DMV registration print out information will be attached to the Tow Information form. Query information will be noted on the tow form by checking the LEDS/NCIC check lines.

  (b) ERV entries will be cancelled if the registered owner is advised of the tow circumstances. Information on the location of the vehicle or the tow will not be given to the registered owner; advise them of who requested the repo tow and the contact information. Indicate manner of notification on the Tow Information form. Vehicles not cancelled will be purged by LEDS in approximately 90 days.

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PROCESSING LEDS/NCIC VALIDATIONS

1217.1 PURPOSE

(a) This order provides direction for the verification of computer records entered in the Oregon Law Enforcement Data System (LEDS) and the National Crime Information Center (NCIC).

(b) The LEDS/NCIC System routinely sends printouts of computer-entered records for securities, missing persons, vehicles and firearms. These records are reviewed and verified for accuracy and current status. This procedure is called validation.

1217.2 RESPONSIBILITY

(a) The Records Manager will be responsible to assign a Police Records Specialist (PRS) to verify the records received from the LEDS/NCIC System, complete the acknowledgement document, and return it to LEDS.

1217.3 GENERAL REQUIREMENTS

(a) The case file will be reviewed to determine that the computer entry is correct and that any changes in information that affected the entry or case status have been correctly performed to modify, clear, or cancel the original entry. All actions will be performed per LEDS/NCIC requirements.

1. Contact will be made with the reporting party, or any insurance company that has submitted a letter of subrogation, by telephone and /or certified letter.

(b) A Validation Checklist will be completed for each validation request. All case file numbers on the validation request will be accounted for on the checklist to show the action taken on the record.

(c) Cancellation of Records

1. Entries will be canceled when:

(a) Mail is returned undelivered and no alternative means of contact is possible.

(b) When all mail and telephone attempts have been made with no results.

(c) At the request of the reporting party or an insurance company with subrogation interest.

(d) When no contact with an insurance company with subrogation interest is possible.

2. Canceled records with the reason for each cancellation will be attached to the Validation request. **A copy of the cancellation will be included in the corresponding case file folder.**

(d) When the validations have been completed, the Validation Checklist, with attached validation request, shall be submitted to the Records Manager.

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1217.4 PROCESSING VALIDATIONS

(a) Contact with the reporting party, or entitled insurance company, will be made by telephone and/or certified letter. See attachment: Appendix 1217.A.pdf for samples of letters which are produced by the Records Report Writing system for property, vehicles, and missing persons.

1. A letter explaining the Validation requirements and a property list will be sent to the reporting party (See attachment: Appendix 1217.A.pdf), or insurance company if ownership by the insurance company is documented. The reporting party, or insurance company, must provide information on the status of the property and return the letter or the listed property will be canceled from the computer system.

   (a) The initial letter will be sent via mail along with a pre-stamped return envelope. If a response is not received by the required date an attempt to contact the reporting party by telephone will be made.

   (b) A copy of the completed form letter and the property listing sent will be placed in the case file or in the Validation File if the original case has been microfilmed.

2. Returned letters will be reviewed to determine if any property has been recovered.

   (a) When property is reported as recovered the appropriate cancellations will be made in LEDS/NCIC.

   (b) All returned property letters and all returned undelivered mail will be placed in the case file or attached to the current documents in the Validation File on microfilmed cases.

3. The PRS I making the modification, cancellation, or clearance will initial the teletype copy and note the case file number in the bottom right hand corner. A Records note will be written in RegJin documenting why a change occurred in the initial LEDS/NCIC entry. All entries will be checked by another PRS to insure accuracy.

4. The teletype copy of modifications made to records that have been microfilmed will be scanned into the file and placed in the current year's microfilm file and a copy will be attached to the Validation File copy of the case.

5. New address information will be documented in a Records note. Copies will be included in the original case file.

1217.5 ADVISE INSURANCE COMPANIES

(a) When original reporting parties do not respond, and the file indicates that an insurance company requested copies of the file (but no subrogation letter is contained in the file), a phone call will be made or a notice letter will be sent to the insurance company.

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1217.6 VEHICLE VALIDATIONS

(a) The LEDS/NCIC entry and the case file will be compared to ensure that the entered information is correct and complete.

(b) Current DMV registrations will be obtained for stolen vehicles. The reporting party and current registered owner (if not the same person or company) will be contacted to establish that the vehicle has not been recovered.

(c) The FBI's CJIS Division policy states that records in the Vehicle File must be validated only once when they are 60-90 days old.

1217.7 GUN FILE VALIDATIONS

(a) Entries will be checked to ensure that the information provided in the report and the entry is identical for:

1. Serial number.
2. Weapon type.
3. Caliber.
4. Other identifying information.

(b) When a recovered firearm appears on the validation listing, attachment: Appendix 1217.B.pdf, will be completed and sent to the Property Control Technician requesting verification of firearms that are stored.

(c) The Property Control Technician will inspect the stored firearm and determine that it matches the entry data. Any differences will be reported to the PRS I responsible for the validation and corrections will be made. When the entry and the firearm records are identical, the Property Control Technician will sign and return it to the PRS. See attachment: Appendix 1217.B.pdf

(d) The FBI's CJIS Division policy states that records in the Gun File must be validated only once when they are 60-90 days old.

1217.8 MISSING PERSON VALIDATIONS

(a) Contact to validate missing person's information may be by telephone and/or certified letter. A Validation checklist will be completed for all case file numbers that appear on the validation listing.

1. When contact is made by telephone and there is no change in the status of the LEDS/NCIC entry a notation will be made utilizing the LEDS Validation Checklist. Any new information will be documented and the entry modified as needed.
2. When contact is made by mail, copies of the letter and the response will be placed in the case file.

(b) If all attempts to contact the RP are unsuccessful, the LEDS entries for Missing Persons/RJVs will remain in the system.

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(c) Teletype requests from LEDS/NCIC for additional information on Blood Type, DNA, Dental Records, etc will be forwarded to the assigned Investigator for follow up.

(d) Additional information will be entered using the appropriate LEDS/NCIC supplemental code. If no supplemental identifiers are available that will be noted in a supplemental LEDS/NCIC entry.

1217.9 STORAGE OF VALIDATION PRINTOUTS

(a) Completed validation printouts will be maintained by the Records Manager.

1217.10 RETENTION AND DESTRUCTION

(a) Records will be routinely reviewed by the Records Manager and will be maintained and/or destroyed in accordance with the rules of the State Archives and the City of Gresham Records Retention Procedure.

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COMFORT DOG

1218.1 PURPOSE AND SCOPE

The purpose of this policy is to is to define the program, responsibilities, training, evaluation, and deployment of the Comfort Dog within the Gresham Police Department Wellness Program.

1218.1.1 DEFINITIONS

(a) **Comfort Dog-** A canine that provides comfort to police officers, civilian and professional staff, victims, and witnesses to reduce anxiety and stress during times of crisis and to give aid and comfort to individuals, groups, and communities impacted by violence, tragedy or traumatic events.

(b) **Handler-** An officer to whom the comfort dog is assigned. The handler is responsible for the care, training, deployment, and wellbeing of the dog.

(c) **Secondary Handler-** A back-up to the handler, who is chosen to take over the handler's responsibilities as needed.

(d) **Wellness Program**- Employer-offered programs that improve officers' physical and emotional health, yielding positive outcomes for police officers, their agencies, and the communities they serve.

1218.2 POLICY

The Gresham Police Department Comfort Dog Program shall be under the administrative and operational control of the Gresham Police Department Services Division and assigned to the Public Information Officer (PIO) as the dog's handler. The handler reports to the Training Sergeant.

Administrative supervision of the comfort dog handler for purposes of selection, training, and maintenance of the comfort dog, re-assignment, and equipment will be provided by the Chief or his/her designee.

1218.3 COMFORT DOG DISTINCTION

The Gresham Police Department Comfort Dog is distinctly different from a patrol canine by appearance, classification, directives, and use. The term "police canine" will not be used to identify or refer to a Gresham Police Department Comfort Dog.

The trained Comfort Dog is a valuable supplement to Gresham Police Department resources. The primary function of the Comfort Dog is to provide interaction with police officers and other staff to reduce stress and anxiety. The Comfort Dog will also provide comfort for people during times of crisis, and give aid and comfort to individuals, groups, and communities impacted by violence, tragedy, or traumatic events.

The Comfort Dog is also a valuable tool in fostering dialog and communications between the police department and the community we serve. The Comfort Dog can effectively be used in the department's community policing efforts.

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1218.3.1 COMFORT DOG DUTIES

General uses for the Comfort Dog Team include, but are not limited to the following:

(a) Inside the Department

1. The Comfort Dog will engage in employee wellness by actively interacting with staff, providing stress and anxiety relief

2. May be used as an interview aid for victims and witnesses.

(b) Critical Incident Stress Management

1. Upon request from a sergeant, the Comfort Dog Team is authorized to aid in Critical Incident Stress Management with debriefing or diffusing first responders who were involved in a traumatic event.

(c) Community Relations

1. When available, the Comfort Dog may attend community functions and events. All requests will be routed through the Comfort Dog Team's chain of command.

1218.3.2 RESTRICTIONS

(a) Comfort dogs shall wear the Gresham Police vest at all times while on duty and in training. The vest identifies the canine as a Comfort Dog performing official duties as opposed to a patrol or detection canine. Comfort Dogs working with the Gresham Police Department shall be on a leash at all times while on duty unless within the police department.

(b) When the Comfort Dog is working, it should not be distracted or harassed. It will be the responsibility of the handler to educate the public when they can or cannot interact with the Comfort Dog.

(c) No one shall feed anything to the Comfort Dog without the handler's permission.

(d) Only the handler, or person designated by the handler can give the Comfort Dog a cue or command.

(e) No one should engage with the dog unless authorized by the handler.

The Comfort Dog will not be permitted to train, conduct demonstrations, or interact in any way with Canine Tracking teams. In instances when both dogs are at the same vicinity, the dog not actively performing functions will be secured, until the other dog has been removed from the area.

1218.4 HANDLER'S RESPONSIBILITIES

The Comfort Dog handler shall ultimately be responsible for the health and welfare of the canine. He or she shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions. Comfort Dog Handlers will be given 30 minutes a day of "Kennel Time" for the care of the dog. The Kennel Time will be executed in the same, established manner as that for the patrol and detection canines (see Policy 1002).

The Comfort Dog handler will be responsible for the following:

(a) Not expose the Comfort Dog to any foreseeable and unreasonable risk of harm.

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(b) Maintain proper care of their assigned dog to include, but not be limited to: washing, brushing, feeding, and providing fresh water. The above care will be provided 365 days a year while assigned with a Comfort Dog.

(c) Permit the sergeant to conduct spontaneous on-site inspections of affected areas to verify that conditions and equipment conform to this policy.

(d) Report any changes in the living status of the handler that may affect the lodging or environment of the Comfort Dog to the supervisor as soon as possible.

(e) Permit the Comfort Dog to socialize in the home with the handler's family, and other socialized dogs at the discretion of the handler.

(f) Not lodge at another location unless approved by the chain of command.

(g) Notify the chain of command whenever a handler will be off duty for an extended number of days. It may be necessary to relocate the Comfort Dog temporarily.

(h) Inspect their dog daily for any medical problems such as injuries, skin problems, etc. If any issues are found, the Sergeant should be notified before responding to the city-approved veterinarian. In emergencies, notification should be made as soon as practical. Emergency medical care may be provided by a non-city approved veterinarian if necessary.

(i) Never leave the Comfort Dog in any vehicle unsupervised unless an exigent circumstance occurs. Whenever the Comfort Dog is in the handler’s vehicle, the temperature in the vehicle shall be comfortable.

(j) Immediately notify the chain of command if the Comfort Dog runs away or is found to be missing.

(k) If a Comfort Dog becomes injured, and after receiving veterinary treatment, is deemed unable to perform regular duties, the handler will report to work for the handler’s regularly scheduled shift, with the flexibility to respond to their residence to check on the recovery status of the canine. For more significant injuries, the handler may remain with the canine, but only after consultation with the treating veterinarian and approval from the Training Sergeant or chain of command.

(l) All Comfort Dog injuries or equipment damage shall be appropriately documented by completing a Divisional memorandum and reporting to the Training Sergeant (or the chain of command).

1218.4.1 KENNEL TIME

In each seven-day work week, handler shall be granted three and one-half hours of release time (1/2 hour per calendar day). This time is considered compensation for the time the handler must care for, groom, feed, and maintain the dog during off-duty hours.

The handler will use his/her best effort to coordinate this kennel time with the Training Sergeant. Kennel time must be scheduled and used by the handler during the seven-day work week in which it is accrued. Kennel time will generally be expected to coincide with the beginning or end of a handler's work shift. Before the use of kennel time, the handler will notify the Training Sergeant of intent to use this time. However, the Sergeant may deny the request. The Training Sergeants

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will make every effort to afford the handler the time off each workweek to satisfy the three-and-one-half hour release time requirement. If the fully allotted time is not fulfilled during the week it is accrued, the handler will submit the remainder as overtime.

The handler is responsible for recording actual time spent on the activities mentioned above by the use of exception reporting on the DAR during each pay period. Included in the record will be the release time hours, as well as any denied requests that result in overtime paid.

Hours worked in law enforcement activities by handlers, during hours scheduled as paid release time shall be compensated at the overtime rate as per the Collective Bargaining Agreement. The release time (Kennel Time) is separate from any other benefit.

1218.5 SUPERVISOR RESPONSIBILITIES

The Training Sergeant is responsible to, the Services Division Lieutenant.

The responsibilities of the Training Sergeant in regards to the Comfort Dog include, but are not limited to:

(a) Reviewing all Comfort Dog activity.

(b) Ensuring compliance with policy

(c) Identifying training issues and other needs of the program.

(d) Maintaining a liaison with donors.

(e) Maintaining a liaison with command staff and functional supervisors.

(f) Maintaining a liaison with other agency Comfort Dog coordinators.

(g) Recommending and overseeing the procurement of equipment and services for the handler and dog.

(h) Scheduling all Comfort Dog-related activities.

(i) Ensuring the Comfort Dog is scheduled for regular training to maximize their capabilities.

1218.6 MEDICAL CARE AND PREVENTATIVE MAINTENANCE

The Gresham Police Department is responsible for all veterinary care, both preventative and emergency. When veterinary services have been donated, all efforts will be made to use those locations covered by the donation. However, if there is potential for the injury to be fatal, the nearest veterinary hospital is authorized.

(a) Comfort Dogs assigned to GPD handlers are representatives of the Gresham Police Department. Refer to the Agreement of the Use of a Privately Owned Dog as a Comfort Dog for the Gresham Police Department, and for Indemnification.

(b) The handler may socialize their dog with family members.

(c) Under no circumstances will an assigned dog be left unattended outside. Indoor kennels are provided for each dog so that they may be housed separately from other pets.

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(d) Comfort Dog handlers shall immediately notify the Training Sergeant if their dog causes an injury to any person or property damage while on or off duty.

(e) If an injury occurs to a human or is alleged, while on or off duty, the Training Sergeant shall be notified immediately, and a detailed report shall be submitted. Photographs should be taken of the injured area, whether an injury is visible or not. All veterinary reports will be obtained by the handler. All reports and pictures shall be submitted as soon as practicable to the Training Sergeant for follow-up investigation.

(f) While away from the residence, an immediate family member, whom the dog is familiar with, may tend to the short-term needs of the dog. If the handler leaves their home for more than 24 hours, the dog may be transferred to or cared for by the secondary handler. If the secondary handler is not available, the dog shall be placed at a city-approved kennel.

(g) The Comfort Dog will be vaccinated as required by law against rabies, and any other vaccines deemed necessary.

(h) The Comfort Dog will possess and wear a current dog license issued from the city.

(i) The Comfort Dog will be on year-round flea and tick prevention medication.

(j) The Comfort Dog will be on year-round heartworm preventative medication.

1218.7 TRAINING

Comfort Dog teams will receive initial training and proficiency testing or re-training under a nationally recognized comfort, crisis dog organization, or other certifying association approved by the Chief of Police or his/her designee.

(a) The Comfort Dog team will undergo a demonstration of proficiency on a bi-annual basis under the supervision of a nationally recognized therapy dog organization.

(b) The Training Sergeant, or designee, will ensure that the above training is conducted as indicated and will ensure that the training records are maintained for each Comfort Dog team by the Training Unit.

1218.8 QUALIFICATION AND SELECTION

Members must be a Public Information Officer (PIO), or be willing to become a PIO and meet or exceed the requirements set forth by the Services Division for internal recruitment.

The Comfort Dog candidate's residence must be capable of housing the Comfort Dog and have adequate space to keep the Comfort Dog at his/her residence. No outdoor kennel will be supplied from Gresham Police. In the event the member does not own the property, the member must obtain written permission from the property owner for housing the Comfort Dog. Also, there may be an interview of the Comfort Dog candidates' family (if applicable).

The handler will use a personally owned vehicle to transport the Comfort Dog to and from work. Once at work, a city-owned vehicle will be used to transport the Comfort Dog for all work-related functions. Finally, the Comfort Dog handler will wear the uniform of the Services Division and will not be issued any unique uniform of patrol canines.

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Attachments

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AMBER ALERT TIP SHEET.pdf

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GRESHAM POLICE DEPTARTMENT "TIP SHEET"

Case#: _____ Offense: _____ Victim: _____

Call Received Date:_____ Time: _ By: _____ ext.: _____

Shift/Days off: _____

USE SECOND PAGE FOR ADDITIONAL SUSPECT OR VEHICLE

SUSPECT NAME: _____ AKA: _____

Address_____ Phone: _____

Sex: ☐ M ☐ F Race: _ DOB/AGE: _____ Ht: _____ Wt: Hair: _ Style: _____

Eyes: _____ Scars/Marks Tat's, etc.: _____

Clothing: _____ Employment: _____

VEHICLE: Yr: _ Make: _____ Model: _____ Style: _____ Color: _____

Lic #: _____ State: _ Description: _____

Location of Occurrence: _____ Date: ___ Time: _____

How was information acquired by caller? _____

Details: _____

_____

_____

VICTIM INFO (If applicable, i.e., unidentified body case)

NAME: _____ AKA: _____

Sex: ☐ M ☐ F Race: _____ DOB/AGE: _____Ht.: _____ Wt.: _____

Scars/Marks/Tattoos, etc.: _____

_____

DETAILS: _____

_____

_____

Who else may posses this information?

Name: _____ Address:_____

Phone: _____ Work phone:_____

Identity of any associates of suspect/s: _____

_____

CALLER'S NAME: _____ DOB: __ Sex: ☐ M ☐ F Race: _____

Address: _____ Home Phone: _____

Employment: _____ Work Phone: _____

If caller refused above info: Do you wish your name to be kept confidential Yes/No. (If yes, try again to obtain name.) If they refuse, obtain a code name from caller: _____Check schedule and set a time for them to call back and speak directly with the Det. or Det. Sgt..

Appendix 14 1B_Retention Directive.pdf

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Appendix 14 1G_Narc Sticker.pdf

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AMBER ALERT MESSAGE.pdf

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City of Gresham
Police Department **AMBER ALERT MESSAGE (2 MIN. MAX)**

CASE NUMBER	TIME OF BROADCAST	DATE	UPDATE #

The Gresham Police Department is investigating the abduction of _____
(Victim Name)

_____, a _____ year old, _____.
(Male/Female)

The child was abducted from _____
(Description of area, home, business, etc)

at _____.
(Time and Date)

_____ is _____, _____, _____ , with
(Name of Victim) (Age) (Height) (Weight)

_____.
(Hair color and length)

_____ has _____.
(Name of Victim) (Physical descriptors, scars, marks, tattoos)

_____ was last seen wearing _____
(He/She)

_____ .

The suspect, _____, was described as a _____,
(Name of Suspect) (Race)

_____ , _____ , _____ , with _____ ,
(Male or Female) (Height) (Weight) (Hair color and length)

wearing _____.

The suspect may be driving _____

_____ .

_____
(May insert additional details of the abduction if appropriate)

_____

If you know where this individual(s) are at this time call 9-11. If you are able to provide any information that may assist with this investigation, please call **1-866-5AMBER5 or 1-866-5262375**. Stay tuned to your local news station for updates and photos.

Reporting Officer	DPSST	Supervisor	Shift	Approved

Hazard Entry Form.pdf

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GRESHAM POLICE DEPARTMENT
HAZARD ENTRY FORM

	72 Hour Only		Extended Expiration… REPORT REQUIRED

HAZARD ENTRY – COMPLETED BY RECORDS

Hazard Information

Hazard Number	Case Number	Date/Time	Jurisdiction
			PG PT PF Other_____

Hazard Address

Hazard Category (Mark all that Apply)

	A	Alleged Mental	Mentally ill, suicidal or unpredictable persons present.
	B	Dispatch Op Alert	Requiring immediate dispatch attention (min car response/voice dispatch)
	D	Dangerous Person	Dangerous occupants, violent persons, assault/threats to police.
	O	Other	Vicious dogs, dangerous environmental issues, etc.
	P	Prior Call Alert	**72 hour only.** Call that may be of concern to officers responding nearby.
	L	Sensitive Location	Municipal politicians or VIPs present.
	T	Tag Site	Bank or other financial location equipped with electronic tracking devices.
	W	Weapons	Known weapons at the location.

Officer Requesting Entry

Last Name	DPSST	Agency
		GR TR FV MU PP Other_____

Hazard Text

Completed By

Name	DPSST

UPDATE REQUEST - COMPLETED BY OFFICER (ATTACH REPORT)

Update Hazard Information

New Expiration Date	Change Address to: (If Required)

Update Hazard Text (If Required)

Person and Vehicle Entities (If Required)

Person #1 Role	Name	DOB	Listed in Report as:
Person #2 Role	Name	DOB	Listed in Report as:

Vehicle #1 Role	Plate	Listed in Report as:	Vehicle #2 Role	Plate	Listed in Report as:

Completed By

Name	Assignment	DPSST	Supervisor Approval

UPDATE – COMPLETED BY RECORDS

Hazard Update Completed By

Update Completed Date / Time	Name	DPSST

Extreme Risk Protection Order packet 01292019.pdf

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FILING FOR AN EXTREME RISK PROTECTION ORDER (ERPO)

WHAT IS AN EXTREME RISK PROTECTION ORDER?

An *Extreme Risk Protection Order* (ERPO) is a court order that prevents a person who is at risk of hurting another person or of committing suicide from having or getting deadly weapons, including firearms.

Respondents who are subject to these orders must give all of their deadly weapons[1] and their concealed handgun license to a law enforcement agency, gun dealer, or someone else who can lawfully hold them[2] within 24 hours. Respondents are not allowed to possess weapons until the order expires or is cancelled ("terminated" or "dismissed") by a judge. The court will tell Respondents how to surrender their weapons if the order is granted.

WHO CAN APPLY FOR AN ERPO?

Any family member[3], household member, or intimate partner can apply for an ERPO. Law enforcement officers can also apply.

WHERE DO I FILE FOR AN ERPO?

File in the county where Respondent lives. File at the Circuit Court courthouse. Go to *www.courts.oregon.gov/courts/Pages/default.aspx* to find court contact information. **NOTE:** Respondent may be closer to a court in a different county, and some towns may be in 2 counties. Call the court or talk to a lawyer if you are not sure where to file.

There is no cost to file for an *Extreme Risk Protection Order*

HOW DO I APPLY?

Fill out the *Extreme Risk Protection Order Petition and Affidavit in Support* to the best of your knowledge. Answer truthfully and completely. Some questions may not apply – only answer questions that apply in your situation.

DO NOT SIGN THE PETITION NOW! The Affidavit section needs to be notarized, which means your signature has to be witnessed. You can have that done anywhere that notarizes documents, or you can bring the unsigned document to the court with proper identification. Court staff can witness your signature when you file. If you don't have the Affidavit notarized, you must testify to the judge.

---

[1] "Deadly weapon" means any instrument, article, or substance specifically designed for and presently capable of causing death or serious physical injury, or a firearm, whether loaded or unloaded.
[2] Certain other orders prevent people from having or holding firearms. No person subject to a firearms prohibition may hold firearms, gun parts, or ammunition. However, that person may be able to hold other types of deadly weapons like knives or dangerous substances on behalf of a Respondent.
[3] "Family member" is limited to spouse, parent, child, or sibling

The judge will decide if Respondent is at risk in the near future of committing suicide or harming another person. The judge will consider any information that is reliable, including a statement by Respondent if the judge receives one. Some specific things the judge may consider are:

- history of suicide threats or attempts
- history of actual or threatened violence against other people
- prior convictions for assault, strangulation, menacing, reckless endangerment, stalking, intimidation, domestic violence offenses, driving under the influence, or any offense involving abuse or cruelty to animals
- recent unlawful use of controlled substances
- history of displaying or brandishing a deadly weapon
- prior violation of a restraining order or stalking order
- whether Respondent acquired or attempted to acquire a deadly weapon within the past 180 days

WHAT HAPPENS AFTER I FILL OUT THE PAPERS?

When you file your *Petition*, the clerk will tell you when and where to go for your hearing. Your hearing will either be the day you file or the next day that the court is open. The judge will look over your papers and may ask you questions. If you do not appear at the hearing, the *Order* will not be issued.

If the court issues an *Extreme Protection Order*, you will need to have one copy of the *Order* personally delivered ("served") to Respondent. Service must also include the *Notice to Respondent and Request for Hearing* form. You can have a sheriff's officer (for no fee), a private process server, or any competent[4] adult serve the *Order*, as long as the server lives in the state where the papers are served. **You <u>cannot</u> serve the papers yourself.**

The server must complete a certificate of service. The certificate must be filed with the court. A copy must go to the sheriff's office where the *Order* was issued. A *Certificate of Service* form is in the packet, but some servers use their own form. Talk to the court clerk about ways to get the respondent served. The *Order* cannot be enforced until after service.

Respondent has **30 days** from the date of service to request a hearing objecting to ("contesting") the *Order*. If Respondent does not request a hearing, the order will stay in effect for 1 year after the date it was issued.

WHAT IF THE RESPONDENT REQUESTS A HEARING?

If Respondent requests a hearing, it will usually be held within **21 days** after the request is received by the court. The court will send you notice of the time and date of the hearing and a copy of Respondent's request. **Be sure the court always has your current contact address and contact phone number so you get notice of any hearing.**

---

[4] "Competent" means a person who can understand, remember, and tell others about an event

You must go to all scheduled hearings or the *Order* may be dismissed. You can testify at the hearing, present evidence to the judge, and bring witnesses. If you cannot go to a hearing due to an emergency, call the court clerk right away. It may be helpful to have a lawyer represent you at the hearing, but it is not required.

HOW LONG DOES A PROTECTION ORDER LAST?

The *Order* lasts for 1 year from the date it was issued, unless it is terminated (dismissed) by the court.

Orders can be renewed for 1 year at a time if the judge believes Respondent is still at risk. Renewal can be requested by anyone qualified to file a *Petition*. To renew the order, you must file a new *Petition* within 90 days *before* the order ends. Forms to renew an *Extreme Risk Protection Order* are available at the court or online *(see below)*. Mark that the *Petition* is a renewal and complete all of the information that is relevant at the time.

WHAT CAN I DO IF THE RESPONDENT VIOLATES (DOES NOT FOLLOW) THE PROTECTION ORDER AFTER SERVICE?

You can call the police or the sheriff (**call 911**)

WHAT IF I WANT TO DROP THE ORDER?

You can file papers at the courthouse to ask the judge to terminate (dismiss) the *Order*. You and Respondent can each file for termination ONE time during each 1-year effective period. The *Order* remains in effect until the judge dismisses it. It may take a few days for law enforcement to get notice of the dismissal.

DO I NEED A LAWYER?

If you have questions about how the law works or what it means, you may need to talk to a lawyer. If you need help finding a lawyer, call the Oregon State Bar's Lawyer Referral Service at 503.684.3763 or 800.452.7636.

WHAT IF I NEED AN ACCOMMODATION OR AN INTERPRETER?

If you have a disability and need an accommodation, or you are unable to speak English and need a foreign language interpreter, tell the court as soon as possible. Tell the clerk that you have a disability and what type of assistance you need or prefer, or which language you speak.

COURT FORMS

Forms that can be used in all Oregon courts are available here:
www.courts.oregon.gov/forms

NOTE: Filing a *Petition* for harassment purposes or based on false statements may lead to criminal charges against a Petitioner

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

Case No: _____

In the Matter of:

_____
Respondent

EXTREME RISK PROTECTION ORDER PETITION and AFFIDAVIT IN SUPPORT
(Ex Parte if Not Renewal)

☐ **Renewal of Order**

➢ *I need an interpreter:* ☐ *Spanish* ☐ *Russian* ☐ *other:* _____

PETITION

I am the Petitioner named in the *Affidavit*. I believe Respondent is at risk for suicide or causing harm to another person in the near future. I ask the court to grant an *Extreme Risk Protection Order* to prohibit Respondent from owning, possessing, or acquiring deadly weapons, and to order surrender of deadly weapons to a law enforcement agency.

For Renewals only:

☐ An *Extreme Risk Protection Order* was issued for this Respondent on *(date, if known)*:_____ and is currently in effect. This *Petition* is to renew the existing *Order* for one year, effective immediately upon expiration of the existing *Order*.

AFFIDAVIT

Petitioner's Information:

Name: _____

Relationship to Respondent: _____

☐ law enforcement officer

Information about Respondent:

1. Respondent's Information:
   a. Name: _____
   b. Address: _____
   _____
   c. Phone number: _____

d. Name and address of any hospital or other institution where Respondent is now admitted on a temporary or permanent basis, or other facility where Respondent is or is known to stay:

_____

_____

_____

_____

I believe Respondent is a risk to self or others now or in the near future because:

2. ☐ Respondent has a history of suicide threats or attempts *(explain)*:

_____

_____

_____

_____

_____

3. ☐ Respondent has a history of acts of violence against other people *(explain)*:

_____

_____

_____

_____

_____

4. ☐ Respondent has a history of use of physical force (or attempts / threats to use physical force) against another person *(explain)*: _____

_____

_____

_____

_____

_____

5. ☐ Respondent has recently used controlled substances unlawfully *(explain)*: _____

_____

_____

_____

_____

_____

6. ☐ Respondent has a history of unlawfully or recklessly using, displaying, or brandishing a deadly weapon *(explain)*: _____

_____

_____

_____

_____

_____

7. ☐ Respondent previously violated a Family Abuse Prevention Act (FAPA) Restraining Order *(explain)*: _____

_____

_____

_____

_____

8. ☐ Respondent has acquired or attempted to acquire a deadly weapon within the past 180 days *(explain)*: _____

_____

_____

_____

_____

9. Respondent has been convicted of the following crimes:

   ☐ a misdemeanor involving violence (ORS 166.470)
   ☐ stalking (ORS 163.732 or 163.750) or a similar offense in another jurisdiction
   ☐ domestic violence (ORS 135.230)
   ☐ driving under the influence of intoxicants (ORS 813.010 or 813.011)
   ☐ an offense involving cruelty to or abuse of animals

10. Other information: _____

_____

_____

_____

_____

_____

☐ I prefer to appear at the hearing by electronic video transmission (remote appearance) and I will contact the court to arrange this

---

Certificate of Document Preparation. Check all that apply:

☐ I chose this form for myself and completed it without paid help
☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone
☐ I paid (or will pay) _____ for help choosing, completing, or reviewing this form
☐ Guide & File selected and completed this form and I did not pay anyone to review the completed form

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use in court and I am subject to penalty for perjury.

☐ I want to testify directly to the judge instead of notarizing this *Petition*

_____ Date

_____ Signature

_____ Name (printed)

_____
Address City, State, ZIP Phone

State of _____, County of _____

Signed and sworn to (or affirmed) before me on *(date)* _____ by *(name)*_____

_____ Signature of notarial officer

My commission expires: _____

_____ Title (*and rank, if military officer*)

SERVICE INFORMATION
Extreme Risk Protection Order

RESPONDENT: *(Name)*_____

Residence Address _____
County

Phone Number _____Age _____

PLEASE FILL OUT THIS INFORMATION
TO HELP WITH SERVICE OF THE RESTRAINING ORDER

Where is Respondent most likely to be found?

☐ Residence Hours _____ *Address above*

☐ Employment Hours _____

Address _____

☐ Other: Hours _____

Address _____

Description of Vehicle (if any)_____

Is there anything about the Respondent's character, past behavior, or the present situation that indicates that Respondent may be a **danger** to self or others? (*Explain*): _____

_____

_____

Does Respondent have any **weapons, or access to weapons**? (*Explain*): _____

_____

_____

Has Respondent ever been **arrested for or convicted of** a violent crime? (*Explain*):_____

_____

_____

LEDS DATA

SID #:	DOB:	ODL:
Sex:	Race:	Hair:
Height:	Weight:	Eyes:
Other:		

(Nov 2018)

WEAPONS SURRENDER PROCEDURE
For RESPONDENTS under EXTREME RISK PROTECTION ORDERS (ERPO)
Issued in Multnomah County, Oregon,

The attached order prohibits you from possessing FIREARMS and OTHER DEADLY WEAPONS. You must surrender those items and any CONCEALED HANDGUN LICENSE you have.

You must do one of the following within 24 hours of receiving these papers.

1. Surrender them to a law enforcement officer or agency.
A law enforcement officer delivering these papers to you will ask you to immediately surrender any deadly weapons and any Oregon concealed gun license. The officer will take those weapons and license and give you a receipt.

If you want a gun dealer or 3rd party to have them instead, you will need to identify that person to the officer.

2. Surrender them to a licensed Oregon gun dealer
You can find a licensed dealer online or in the Yellow Pages. It is your responsibility to ask to see the dealer's license.

3. Have an eligible Third Party take possession of them.
This 3rd party must be someone who may lawfully possess firearms. If you have questions about whether a particular person qualifies, you can contact an Oregon gun dealer to get a firearms background check on that person. A fee applies.

FAILURE TO COMPLY WITH COURT-ORDERED TERMS ABOUT DEADLY WEAPONS AND CONCEALED HANDGUN LICENSES MAY SUBJECT YOU TO A CONTEMPT OF COURT CHARGE.
IN SOME SITUATIONS, CRIMINAL CHARGES CAN APPLY.

SURRENDER TO LAW ENFORCEMENT

The Portland Police Bureau and the Multnomah County Sheriff's Office will accept unloaded firearms, ammunition, and deadly weapons from individuals under restraining orders, *regardless of the location of the respondent's residence.*

Portland Police Bureau
Central Precinct
1111 SW 2nd Ave.
Portland, Oregon 97204
Hours: 24 hours/7 days a week
503/823-0097

Portland Police Bureau
Property & Evidence Division
2619 NW Industrial Way
Portland, Oregon 97210
Hours: 9-12; 1-4 M-F
503/823-2179

Multnomah County Sheriff's Office
234 SW Kendall Ct
Troutdale, OR 97060
Mon-Thurs 8- 4PM; Friday 8– 3PM
Call 503-988-7300, option #5 to schedule

RETURN of weapons or a license to you by law enforcement is subject to their background check. 12/17

NOTICE TO RESPONDENT AND REQUEST FOR HEARING

TO RESPONDENT: A COURT HAS ISSUED AN *EXTREME RISK PROTECTION ORDER* THAT AFFECTS YOUR RIGHTS. THE ORDER IS NOW IN EFFECT FOR ONE YEAR.

You have the right to contest (oppose) the Order within **30 days** as set out below. It may be helpful to have a lawyer represent you at the hearing but it is not required.

If you oppose the Order, complete the attached "*Request for Hearing*" form. The request must be filed with the court **within 30 days** after you received the Order. You must include your address and telephone number. At the hearing, a judge will decide whether the Order should remain in effect or be dismissed. **If you do not go to the hearing, the restraining order may remain in effect.**

IF YOU COMPLETE THE REQUEST FOR HEARING FORM, MAIL OR DELIVER IT TO: (*address of court*):

Multnomah County Circuit Court
Family Law Department – Room 211
Multnomah County Courthouse
1021 SW 4th Avenue
Portland, Oregon 97204

- The hearing will be held within **21 days** after you file your request

If you do not request a hearing within 30 days, the Protection Order will remain in effect as issued

Effect of the protection order
Read the Order for details about what the court has ordered you to do

Violation of the Protection Order
Violation of this Order is a Class A Misdemeanor punishable by up to 364 days in jail and fines up to $6250. You will also be prohibited from possessing, owning, receiving, or using (or attempting to) any firearms for 5 years after the Order expires.

TERMINATION OF EXTREME RISK PROTECTION ORDER

You can file a request to terminate (end) the *Order* one time during the effective period (1 year from the date the *Order* was issued). If the *Order* is renewed, you can file for termination one time during each 1-year effective period. Go to *http://www.courts.oregon.gov/forms* to get the forms to file for termination.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH
1021 SW 4TH AVENUE, PORTLAND, OREGON 97204

In the Matter of:

Case No: _____

EXTREME RISK PROTECTION ORDER

Respondent

Hearing Date: _____

Parties appearing:
☐ Petitioner
☐ Respondent

☐ Petitioner's Attorney: _____
☐ Respondent's Attorney: _____

Appearing by telephone or video: ☐ Petitioner ☐ Respondent

The court considered the following types of evidence:
☐ Testimony by ☐ Petitioner ☐ Respondent ☐ Other: _____
☐ Written affidavits, including the *Extreme Risk Protection Order Petition and Affidavit in Support*
☐ Other evidence: _____

FINDINGS:

The court:
☐ **finds** clear and convincing evidence that Respondent presents a risk of suicide and/or causing physical injury to another person in the immediate or near future

☐ **does not find** clear and convincing evidence that Respondent presents a risk of suicide and/or causing physical injury to another person in the immediate or near future

Other: _____

ORDERS:

The Petition is:
☐ **DENIED**
☐ Petitioner did not appear at the time set for the ex parte hearing on the petition
☐ Other specific reason for denial:

☐ **GRANTED**
Respondent must not own, purchase, receive, or have (or attempt to have) in Respondent's custody or control any deadly weapon

Respondent must surrender any deadly weapons currently in Respondent's possession, custody, or control, along with any concealed carry license, in accordance with the attached *Weapons Surrender Procedure (Extreme Risk Protection Order)* document

This prohibition applies to any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury, and any firearm, whether loaded or unloaded

Additional Orders: _____

NOTICE TO RESPONDENT

An extreme risk protection order has been issued by the court and is now in effect. You may not have in your custody or control, purchase, possess, receive, or attempt to purchase or receive, deadly weapons while this order is in effect. You must, within 24 hours, surrender all deadly weapons in your custody, control or possession to a local law enforcement agency, a gun dealer, or a third party who may lawfully possess the deadly weapons. You must, within 24 hours, surrender to a local law enforcement agency any concealed handgun license issued to you. If you do not request a hearing, the extreme risk protection order against you will be in effect for one year unless terminated by the court. You have the right to request one hearing to terminate this order during the 12 months that this order is in effect starting from the date of this order.

A copy of this order was given to ☐ Petitioner ☐ Respondent in court today

If you have any questions talk to a lawyer

RESPONDENT: You have the right to challenge this order by filing a Request for Hearing form with this court (attached)

If you do not request a hearing to challenge the order, the order will be in effect for one year unless terminated by the court. You have the right to request one additional hearing to terminate this order during the 12 months that this order is in effect starting from the date of this order.

Judge Signature: (date and time)

_____ _____

Time: _____

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

In the Matter of:

Case No: _____

REQUEST FOR HEARING

_____
Respondent

(Extreme Risk Protection Order)

- *I need an interpreter:* ☐ *Spanish* ☐ *Russian* ☐ *other:* _____

I am the Respondent. I request a hearing in this case. The *Extreme Risk Protection Order was* issued **less than 30 days** ago.

I ☐ will ☐ will not be represented by an attorney at the hearing
- Name and bar number of the attorney (if known): _____

_____

☐ I will need Americans with Disabilities Act accommodations at the hearing

---

Certificate of Document Preparation. Check all that apply:
☐ I chose this form for myself and completed it without paid help
☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone
☐ I paid (or will pay)_____for help choosing, completing, or reviewing this form
☐ Guide & File selected and completed this form and I did not pay anyone to review the completed form

Submitted by: ☐ Respondent ☐ Attorney for Respondent

_____ Date

_____ Signature

_____ Name (printed)

_____ Address City, State, ZIP Phone

Attorney for Respondent:

_____ Date

_____ Signature

_____ OSB#

_____ Name (printed)

_____ Address City, State, ZIP Phone

PIC AUTHORIZATION EXAMPLE.pdf

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PERSON IN CHARGE AUTHORIZATION

"Person in Charge" Authorization for Multi-family Properties

Property Location:_____

1. I hereby authorize the Gresham Police Department and its officers to act as the "Person In Charge" (as that term is defined in ORS 164.205(5)) of the above described property for the purpose of excluding persons from this property who violate established rules or otherwise endanger the health and safety of residents, or are otherwise unauthorized. This permission is granted voluntarily and is valid until revoked in writing.

2. I further authorize the Gresham Police Department and its officers to act as my agent to enforce trespass laws against persons who unlawfully enter or remain upon the property.

3. I understand our relationship under this agreement is not intended as an express or implied representation that I will receive any special service from the City of Gresham, its Police Department, employees, or other agents.

4. I represent that each existing tenant has, and each new tenant will, sign a "lease enabling provision" either in the Lease or in a separate addendum. This provision ensures the owner or agent in charge of the premises has control over all common areas of the property (i.e. laundry rooms, courtyards, sidewalks, parking lots), and authorizes the owner or agent to exclude persons from the common areas for misconduct, including prohibiting the invitation of an excluded person as a guest. I understand that the City of Gresham and the Gresham Police Department are not providing legal advice by providing a sample "lease enabling provision," and I understand that it is recommended that I have a private attorney review the lease enabling provision prior to incorporation into rental agreements.

5. I agree to insert a "Rules of the Community" or other such similar criteria for exclusion in each tenant's rental contract, or addendum thereto. This provision ensures that the tenant agrees to comply with the specified rules, requires their guests and visitors to so comply, and understands that their visitors or guests may be excluded for engaging in conduct that violates these rules or any other criteria for exclusion.

6. I agree to post in plain visual sight at least one or more "No Trespassing" signs with the State of Oregon Criminal trespass law, ORS 164.245 number under the 'no trespassing' text on the sign.

7. I agree to release and/or waive any claim or action that I, my business or anyone who may act on my behalf may have against the City of Gresham, its Council, Mayor, employees or agents for loss of life, bodily injury, damage to property or damage to reputation arising out of or occurring while the City, its Council, Mayor, employees or agents are operating under a reasonable belief that they are acting pursuant to the terms of this authorization.

8. Further, I agree to hold harmless, defend, and fully indemnify the City of Gresham, its Council, Mayor, employees or agents from any legal action brought by or on the behalf of any person or persons excluded or any other person or organization who may take legal action as the result of an exclusion. I also hereby represent that I have the authority to make this representation for the above described property.

9. I have lawful control of the described premises by virtue of the fact that I am an owner of the premises or otherwise have lawful authority over it to the extent required to make this authorization.

10. The authorization granted herein is not intended to diminish my ability to control the above-described premises. I remain a person in charge of the premises notwithstanding my delegation of authority to the Gresham Police Department and its officers. The authorization granted herein is not intended by me to limit my legal or equitable remedies if I choose to enforce my rights by other means against violators of the listed criteria for exclusion.

11. I have completed the attached Trespass Agent contact form which designates a Trespass Agent for the property. The Trespass Agent must be available for contact 24 hours a day and 7 days per week. **I agree to notify the Gresham Police Department of any changes to the Trespass Agent or his or her contact information.**

12. I agree to respond to any and all subpoenas and subsequent court appearances as required to prosecute any individuals arrested by officers of the Gresham Police Department.

13. The Gresham Police Department may decline to issue exclusions, at its sole discretion, or if the owner or agent fails to comply with the above conditions. In addition, failure to comply with the above conditions may result in the Gresham Police Department being unable to pursue trespass arrests or prosecution.

14. The Property Owner / Agent must attach the below forms at the time the signed authorization is submitted to the City of Gresham.
    - ☐ Sample of Lease Enabling Provision that has been provided to all tenants
    - ☐ Sample of property rules that has been provided to all tenants
    - ☐ Trespass Agent designation (completed)

PROPERTY OWNER OR AGENT INFORMATION

Property Owner's Name:_____
Address:_____
Phone Number:_____Email:_____

Property Manager's Name:_____
Business Address:_____
Phone Number:_____Email:_____

Authorized Agent's Name:_____
Job title or nature of authority:_____
Phone Number:_____Email:_____

Signature _____ Date _____

SUBMIT ORIGINAL SIGNED FORM BY MAIL TO:

Gresham Police Department
Attn: Neighborhood Enforcement Team
1333 N.W. Eastman Parkway
Gresham, OR 97030

Supervisor Performance Evaluation 11-28-16.pdf

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Gresham Police Department – Supervisor Performance Evaluation

End of Rotation Performance Rating		
Name: (Last, First MI)	**Classification**	**Division**
Review Date	**Review Period From**	**Review Period To**

Supervisor:			
Review Type:	**Performance Review**	**If Special, describe:**	
Rating Value:	**1 - Unsatisfactory 2 - Needs Improvement 3 - Meets Standards 4 - Exceeds Standards 5 - Outstanding**		

Individual Performance Ratings					
	Rating		**Rating**		**Rating**
Attendance	3	Acceptance of Feedback	3	Analytical Skills	3
Attitude Towards Job	3	Personal Accountability	3	Sets Team Goals	3
Relationship with others/Internal	3	Leadership	3	Communication Skills	3
Relationship with others/External	3	Mentorship/Coaching	3	Problem Solve/Decision Making	3

Comments

Signature: Date:

Employee reviewed: ☐ I agree ☐ I disagree with the information above.

Employee remarks: ☐ I would like to discuss this evaluation with a supervisor

Signature of employee: _____ Date:

Gresham Police Department – Performance Evaluation

To Be Completed By Employee					
Select Your Career Interests For the Next Year					
PIO	☐	Patrol/Operations	☐	Leadership/Promotion	☐
Training Unit	☐	Investigations Unit	☐	Field Training Program	☐
EMGET	☐	Safety Committee	☐	Community Resource Team	☐
Canine Unit	☐	School Resource Unit	☐	EVOC Program	☐
Traffic Unit	☐	Vehicular Crimes Team	☐	Firearms Program	☐
East Metro SWAT Team	☐	Special Enforcement Team	☐	Defensive Tactics Program	☐
Hostage Negotiation Team	☐	Honor Guard	☐	Neighborhood Response Team	☐
Transit Division	☐	Police Cadets Advisor	☐	Critical Incident Support Team	☐

Additional comments or goals

Performance Review Completion					
Exemplary Performance Commendation	**N/A**	**Regular Status**	**N/A**	**Merit Step Increase**	**N/A**
Continue with Promotion/ Transfer Request	**N/A**	**Continue to Monitor**	**N/A**	**Initiate Special Review/ Work Plan**	**N/A**
Forward Copy To:					

Watch Commander:	

Comments

Signature: Date:

Chief:	**Robin Sells**

Comments

Signature: Date:

APPENDIX 1215B.pdf

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APPENDIX 1215B

RADIO 10 CODE

10-2	Radio Signal Clear	
10-4	Affirmative	- Also means Situation OK
10-7	Out of Service	
10-8	Condition Available	
10-11	Beginning Shift	
10-19	Return to Station	
10-20	Current Location	
10-21	Telephone Dispatch	
10-23	Arrived On scene	
10-27	Drivers License Information	
10-28	Vehicle Registration Information	
10-29	Wants Check	
10-30	Dangerous Situation	
10-34	Request Current Time	
10-45	Open Sally Port	
10-46	Confidential	
10-47	Minor Injury	
10-48	Severe Injury	
10-49	Fatal Injury	
10-51	Can subject overhear?	
10-52	Felony Warrant	
10-53	Misdemeanor Warrant	
10-54	Warrant Confirmed	
10-55	Subject Flagged Dangerous	
10-57	Stolen Vehicle	
10-61	Subject In Custody	
10-62	Transporting Prisoner	
10-63	Transporting Citizen	
10-64	Transport Complete	
10-71	Out of Service - Warrant Service	
10-72	Out of Service - Detail	
10-73	Out of Service - Follow Up	
10-74	Out of Service - Servicing Equipment	
10-75	Out of Service - Stake Out	
10-79	End of Shift	
10-81	Conditionally Available - Coffee Break	
10-82	Conditionally Available - Meal Break	
10-83	Conditionally Available - Report Writing	
10-84	Conditionally Available - Checking Vehicle	
10-86	Conditionally Available - Walk & Talk	
10-89	Conditionally Available - Other	

EOC Org Chart.pptx

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14 1 1 SO Persons Authorized to Access Property_Evidence Facilities.pdf

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931 - div2Z-1025-lead.pdf

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OAR 437, DIVISION 2

GENERAL OCCUPATIONAL SAFETY AND HEALTH RULES

SUBDIVISION Z – TOXIC AND HAZARDOUS SUBSTANCES

437-002-0360 Adoption by Reference. *In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1910, in the Federal Register:*

(21) 29 CFR 1910.1025 **Lead**, published 3/26/12, FR vol. 77, no. 58, p. 17574.

These standards are available at the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 13-1988, f. 8/2/88, ef. 8/2/88 (Benzene).
APD Admin. Order 14-1988, f. 9/12/88, ef. 9/12/88 (Formaldehyde).
APD Admin. Order 18-1988, f. 11/17/88, ef. 11/17/88 (Ethylene Oxide).
APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (Asbestos-Temp).
APD Admin. Order 6-1989, f. 4/20/89, ef. 5/1/89 (Non-Asbestiforms-Temp).
APD Admin. Order 9-1989, f. 7/7/89, ef. 7/7/89 (Asbestos & Non-Asbestiforms-Perm).
APD Admin. Order 11-1989, f. 7/14/89, ef. 8/14/89 (Lead).
APD Admin. Order 13-1989, f. 7/17/89, ef. 7/17/89 (Air Contaminants).
OR-OSHA Admin. Order 1-1990, f. 1/11/90, ef. 1/11/90 (Formaldehyde-Temp).
OR-OSHA Admin. Order 3-1990, f. 1/19/90, ef. 1/19/90 (Asbestos & Non-Asbestiforms-Temp).
OR-OSHA Admin. Order 6-1990, f. 3/2/90, ef. 3/2/90 (Formaldehyde-Perm).
OR-OSHA Admin. Order 7-1990, f. 3/2/90, ef. 3/2/90 (Asbestos & Non-Asbestiforms-Perm).
OR-OSHA Admin. Order 9-1990, f. 5/8/90, ef. 8/8/90 (Labs).
OR-OSHA Admin. Order 11-1990, f. 6/7/90, ef. 7/1/90 (Air Contaminants).
OR-OSHA Admin. Order 13-1990, f. 6/28/90, ef. 8/1/90 (Asbestos-Temp).
OR-OSHA Admin. Order 14-1990, f. 6/28/90, ef. 8/1/90 (Lead).
OR-OSHA Admin. Order 19-1990, f. 8/31/90, ef. 8/31/90 (Asbestos-Perm).
OR-OSHA Admin. Order 20-1990, f. 9/18/90, ef. 9/18/90 (Lead).
OR-OSHA Admin. Order 21-1990, f. 9/18/90, ef. 9/18/90 (Air Contaminants).
OR-OSHA Admin. Order 7-1991, f. 4/25/91, ef. 4/25/91 (Air Contaminants, Asbestos, Formaldehyde).
OR-OSHA Admin. Order 13-1991, f. 10/10/91, ef. 10/10/91 (Lead, Formaldehyde).
OR-OSHA Admin. Order 15-1991, f. 12/13/91, ef. 12/13/91 (Asbestos).
OR-OSHA Admin. Order 1-1992, f. 1/22/92, ef. 1/22/92 (Formaldehyde).
OR-OSHA Admin. Order 4-1992, f. 4/16/92, ef. 4/16/92 (Formaldehyde).
OR-OSHA Admin. Order 5-1992, f. 4/24/92, ef. 7/1/92 (Bloodborne Pathogens).
OR-OSHA Admin. Order 6-1992, f. 5/18/92, ef. 5/18/92 (Asbestos).
OR-OSHA Admin. Order 10-1992, f. 9/24/92, ef. 9/24/92 (Lead-temp).
OR-OSHA Admin. Order 11-1992, f. 10/9/92, ef. 10/9/92 (Asbestos).
OR-OSHA Admin. Order 12-1992, f. 10/13/92, ef. 10/13/92 (Formaldehyde).
OR-OSHA Admin. Order 15-1992, f. 12/30/92, ef. 12/30/92 (Air Contaminants, BBP, Labs).

OR-OSHA Admin. Order 1-1993, f. 1/22/93, ef. 1/22/93 (Cadmium, MDA).
OR-OSHA Admin. Order 6-1993, f. 5/17/93, ef. 5/17/93 (Air Contaminants-Temp).
OR-OSHA Admin. Order 12-1993, f. 8/20/93, ef. 11/1/93 (remainder of 2/Z).
OR-OSHA Admin. Order 17-1993, f. 11/15/93, ef. 11/15/93 (Air Contaminants-Perm).
OR-OSHA Admin. Order 4-1995, f. 3/29/95, ef. 3/29/95 (Asbestos).
OR-OSHA Admin. Order 8-1995, f. 8/25/95, ef. 8/25/95 (Asbestos).
OR-OSHA Admin. Order 4-1996, f. 9/13/96, ef. 9/13/96 (Lead).
OR-OSHA Admin. Order 6-1996, f. 11/29/96, ef. 11/29/96 (Asbestos).
OR-OSHA Admin. Order 4-1997, f. 4/2/97, ef. 4/2/97.
OR-OSHA Admin. Order 6-1997, f. 5/2/97, ef. 5/2/97.
OR-OSHA Admin. Order 8-1997, f. 11/14/97, ef. 11/14/97 (Methylene Chloride).
OR-OSHA Admin. Order 1-1998, f. 2/13/98, ef. 2/13/98 (Methylene Chloride).
OR-OSHA Admin. Order 3-1998, f. 7/7/98, ef. 7/7/98.
OR-OSHA Admin. Order 1-1999, f. 3/22/99, ef. 3/22/99.
OR-OSHA Admin. Order 4-1999, f. 4/30/99, ef. 4/30/99.
OR-OSHA Admin. Order 1-2005, f. 4/12/05, ef. 4/12/05.
OR-OSHA Admin. Order 4-2006, f. 7/24/06, ef. 7/24/06.
OR-OSHA Admin. Order 10-2006, f. 11/30/06, ef. 11/30/06.
OR-OSHA Admin. Order 5-2009, f. 5/29/09, ef. 5/29/09.
OR-OSHA Admin. Order 4-2011, f. 12/8/11, ef. 12/8/11.
OR-OSHA Admin. Order 5-2011, f. 12/8/11, ef. 7/1/12.
OR-OSHA Admin. Order 1-2012, f. 4/10/12, ef. 4/10/12.
OR-OSHA Admin. Order 5-2012, f. 9/25/12, ef. 9/25/12.

SUBDIVISION Z

TOXIC AND HAZARDOUS SUBSTANCES

§1910.1025 Lead.

Note: §1910.1025(a)(1) and (2) were not adopted. In Oregon, OAR 437-002-0371 applies:

437-002-0371 Scope and Application. *29 CFR 1910.1025 applies to all occupational exposures to lead, except Construction (see 1926.62 in Division 3, Construction).*

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: OR-OSHA Admin. Order 26-1990, f. 11/16/90, ef. 11/16/90.
OR-OSHA Admin. Order 6-1994, f. 9/30/94, ef. 9/30/94.

(b) Definitions.

Action level means employee exposure, without regard to the use of respirators, to an airborne concentration of lead of 30 micrograms per cubic meter of air (30 $\mu g/m^3$) averaged over an 8-hour period.

Assistant Secretary means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

Director means the Director, National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health, Education, and Welfare, or designee.

Lead means metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(c) Permissible exposure limit (PEL).

(1) The employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air (50 $\mu g/m^3$) averaged over an 8-hour period.

(2) If an employee is exposed to lead for more than 8 hours in any work day, the permissible exposure limit, as a time weighted average (TWA) for that day, shall be reduced according to the following formula:

Maximum permissible limit (in $\mu g/m^3$) = 400 ÷ hours worked in the day.

(3) When respirators are used to supplement engineering and work practice controls to comply with the PEL and all the requirements of paragraph (f) have been met, employee exposure, for the purpose of determining whether the employer has complied with the PEL, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods may be averaged with exposure levels during periods when respirators are not worn to determine the employee's daily TWA exposure.

(d) Exposure monitoring.

(1) General.

(i) For the purposes of paragraph (d), employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) With the exception of monitoring under paragraph (d)(3), the employer shall collect full shift (for at least 7 continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(iii) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(2) Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

(3) Basis of initial determination.

(i) The employer shall monitor employee exposures and shall base initial determinations on the employee exposure monitoring results and any of the following, relevant considerations:

(A) Any information, observations, or calculations which would indicate employee exposure to lead;

(B) Any previous measurements of airborne lead; and

(C) Any employee complaints of symptoms which may be attributable to exposure to lead.

(ii) Monitoring for the initial determination may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(iii) Measurements of airborne lead made in the preceding 12 months may be used to satisfy the requirement to monitor under paragraph (d)(3)(i) if the sampling and analytical methods used meet the accuracy and confidence levels of paragraph (d)(9) of this section.

(4) Positive initial determination and initial monitoring.

(i) Where a determination conducted under paragraphs (d)(2) and (3) of this section shows the possibility of any employee exposure at or above the action level, the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(ii) Measurements of airborne lead made in the preceding 12 months may be used to satisfy this requirement if the sampling and analytical methods used meet the accuracy and confidence levels of paragraph (d)(9) of this section.

(5) Negative initial determination. Where a determination, conducted under paragraphs (d)(2) and (3) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action level, the employer shall make a written record of such determination. The record shall include at least the information specified in paragraph (d)(3) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(6) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in paragraph (d)(7) of this section.

(ii) If the initial determination or subsequent monitoring reveals employee exposure to be at or above the action level but below the permissible exposure limit the employer shall repeat monitoring in accordance with this paragraph at least every 6 months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least 7 days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in paragraph (d)(7) of this section.

(iii) If the initial monitoring reveals that employee exposure is above the permissible exposure limit the employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least 7 days apart, are below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in paragraph (d)(6)(ii), except as otherwise provided in paragraph (d)(7) of this section.

(7) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to lead, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to lead, additional monitoring in accordance with this paragraph shall be conducted.

(8) Employee notification.

(i) The employee must, within 15 working days after the receipt of the results of any monitoring performed under this section, notify each affected employee of these results and the steps being taken to reduce exposures within the permissible exposure limit either individually in writing or by posting the results in an appropriate location that is accessible to affected employees.

(ii) Whenever the results indicate that the representative employee exposure, without regard to respirators, exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

(9) Accuracy of measurement. The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of 95%) of not less than plus or minus 20 percent for airborne concentrations of lead equal to or greater than 30 μg/m^3.

(e) Methods of compliance.

(1) Engineering and work practice controls.

(i) Where any employee is exposed to lead above the permissible exposure limit for more than 30 days per year, the employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I below, except to the extent that the employer can demonstrate that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest feasible level and shall supplement them by the use of respiratory protection which complies with the requirements of paragraph (f) of this section.

(ii) Where any employee is exposed to lead above the permissible exposure limit, but for 30 days or less per year, the employer shall implement engineering controls to reduce exposures to 200 μg/m^3, but thereafter may implement any combination of engineering, work practice (including administrative controls), and respiratory controls to reduce and maintain employee exposure to lead to or below 50 μg/m^3.

Table I – Implementation Schedule

Industry	Compliance Dates (50 μg/m^3) [1]
Lead chemicals, secondary copper smelting	July 19, 1996
Nonferrous foundries	July 19, 1996 2
Brass and bronze ingot manufacture	6 years 3

[1] Calculated by counting from the date the Stay on implementation of paragraph (e)(1) was lifted by the U.S. Court of Appeals for the District of Columbia, the number of years specified in the 1978 lead standard and subsequent amendments for compliance with the PEL of 50 μg/m^3 for exposure to airborne concentrations.

[2] Large nonferrous foundries (20 or more employees) are required to achieve the PEL of 50 μg/m^3 by means of engineering and work practice controls. Small nonferrous foundries (fewer than 20 employees) are required to achieve an 8-hour TWA of 75 μg/m^3 by such controls.

[3] Expressed as the number of years from the date on which the Court lifts the stay on the implementation of paragraph (e)(1) for this industry for employers to achieve a lead in air concentration of 75 μg/m^3. Compliance with paragraph (e) in this industry is determined by a compliance directive that incorporates elements from the settlement agreement between OSHA and representatives of the industry.

(2) Respiratory protection. Where engineering and work practice controls do not reduce employee exposure to or below the 50 µg/m^3 permissible exposure limit, the employer shall supplement these controls with respirators in accordance with paragraph (f).

(3) Compliance program.

(i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in paragraph (e)(1).

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which lead is emitted; e.g. machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under paragraphs (g), (h) and (i) of this regulation;

(G) An administrative control schedule required by paragraph (e)(6), if applicable;

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the Assistant Secretary and the Director, and shall be available at the worksite for examination and copying by the Assistant Secretary, Director, any affected employee or authorized employee representatives.

(iv) Written programs must be revised and updated at least annually to reflect the current status of the program.

(4) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every 3 months. Measurements of the system's effectiveness in controlling exposure shall be made within 5 days of any change in production, process, or control which might result in a change in employee exposure to lead.

(ii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the employer shall assure that:

(A) The system has a high efficiency filter with reliable back-up filter; and

(B) Controls to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails are installed, operating, and maintained.

(5) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:

(i) Name or identification number of each affected employee;

(ii) Duration and exposure levels at each job or work station where each affected employee is located; and

(iii) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.

(f) Respiratory protection.

(1) General. For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used during:

(i) Periods necessary to install or implement engineering or work-practice controls.

(ii) Work operations for which engineering and work-practice controls are not sufficient to reduce employee exposures to or below the permissible exposure limit;

(iii) Periods when an employee requests a respirator.

(2) Respirator program.

Oregon OSHA repealed 1910.1025(f)(2)(i). In Oregon, OAR 437-002-1025 applies.

437-002-1025 Lead Respiratory Protection Program. *The employer must implement a respiratory protection program in accordance with Division 2/I, 1910.134(b) through (d) (except (d)(1)(iii)), and (e) through (m) and (o), which covers each employee required by Division 2/Z, 1910.1025 Lead, to use a respirator.*

NOTE: This is in addition to other respiratory protection and medical surveillance requirements specified in these Lead rules.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: OR-OSHA Admin. Order 5-2011, f. 12/8/11, ef. 7/1/12.

(ii) If an employee has breathing difficulty during fit testing or respirator use, the employer must provide the employee with a medical examination in accordance with paragraph (j)(3)(i)(C) of this section to determine whether or not the employee can use a respirator while performing the required duty.

(3) Respirator selection.

(i) Employers must:

(A) Select, and provide to employees, the appropriate respirators specified in paragraph (d)(3)(i)(A) of 29 CFR 1910.134.

(B) Provide employees with full facepiece respirators instead of half mask respirators for protection against lead aerosols that cause eye or skin irritation at the use concentrations.

(C) Provide HEPA filters for powered and non-powered air-purifying respirators.

(ii) Employers must provide employees with a powered air-purifying respirator (PAPR) instead of a negative pressure respirator selected according to paragraph (f)(3)(i) of this standard when an employee chooses to use a PAPR and it provides adequate protection to the employee as specified by paragraph (f)(3)(i) of this standard.

(g) Protective work clothing and equipment.

(1) Provision and use. If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, hats, and shoes or disposable shoe coverlets; and

(iii) Face shields, vented goggles, or other appropriate protective equipment which complies with OAR 437-002-0134(8).

(2) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in paragraph (g)(1) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure levels without regard to a respirator are over 200 $\mu g/m^3$ of lead as an 8-hour TWA.

(ii) The employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required by paragraph (g)(1) of this section.

(iii) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms provided for that purpose as prescribed in paragraph (i)(2) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the changeroom which prevents dispersion of lead outside the container.

(vi) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

(vii) Labeling of contaminated protective clothing and equipment.

(A) The employer shall ensure that labels of bags or containers of contaminated protective clothing and equipment include the following information:

DANGER: CLOTHING AND EQUIPMENT CONTAMINATED WITH LEAD. MAY DAMAGE FERTILITY OR THE UNBORN CHILD. CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM. DO NOT EAT, DRINK OR SMOKE WHEN HANDLING. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

(B) Prior to June 1, 2015, employers may include the following information on bags or containers of contaminated protective clothing and equipment in lieu of the labeling requirements in paragraphs (g)(2)(vii)(A) of this section:

CAUTION: CLOTHING CONTAMINATED WITH LEAD. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

(viii) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

(h) Housekeeping.

(1) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of lead.

(2) Cleaning floors.

(i) Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.

(ii) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(3) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner which minimizes the reentry of lead into the workplace.

(i) Hygiene facilities and practices.

(1) The employer shall assure that in areas where employees are exposed to lead above the PEL, without regard to the use of respirators, food or beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in change rooms, lunchrooms, and showers required under paragraphs (i)(2) through (i)(4) of this section.

(2) Change rooms.

(i) The employer shall provide clean change rooms for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that change rooms are equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination.

(3) Showers.

(i) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators, shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with §1910.141(d)(3) of this part.

(iii) The employer shall assure that employees who are required to shower pursuant to paragraph (i)(3)(i) do not leave the workplace wearing any clothing or equipment worn during the work shift.

(4) Lunchrooms.

(i) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply, and are readily accessible to employees.

(iii) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of a respirator wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(iv) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method.

(5) Lavatories. The employer shall provide an adequate number of lavatory facilities which comply with §1910.141(d)(1) and (2) of this part.

(j) Medical surveillance.

(1) General.

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed at or above the action level for more than 30 days per year.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(iii) The employer shall provide the required medical surveillance including multiple physician review under paragraph (j)(3)(iii) without cost to employees and at a reasonable time and place.

(2) Biological monitoring.

(i) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered under paragraph (j)(1)(i) of this section on the following schedule:

(A) At least every 6 months to each employee covered under paragraph (j)(1)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above 40 µg/100 g of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40 µg/100 g of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(ii) Follow-up blood sampling tests. Whenever the results of a blood lead level test indicate that an employee's blood lead level is at or above the numerical criterion for medical removal under paragraph (k)(1)(i)(A) of this section, the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iii) Accuracy of blood lead level sampling and analysis. Blood lead level sampling and analysis provided pursuant to this section shall have an accuracy (to a confidence level of 95 percent) within plus or minus 15 percent or 6 µg/100ml, whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control, United States Department of Health, Education and Welfare (CDC) or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

(iv) Employee notification. Within five working days after the receipt of biological monitoring results, the employer shall notify in writing each employee whose blood lead level is at or above 40 µg/100 g:

(A) Of that employee's blood lead level; and

(B) That the standard requires temporary medical removal with Medical Removal Protection benefits when an employee's blood lead level is at or above the numerical criterion for medical removal under paragraph (k)(1)(i) of this section.

(3) Medical examinations and consultations.

(i) Frequency. The employer shall make available medical examinations and consultations to each employee covered under paragraph (j)(1)(i) of this section on the following schedule:

(A) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding 12 months indicated a blood lead level at or above 40 µg/100 g;

(B) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(C) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(D) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

(ii) Content. Medical examinations made available pursuant to paragraph (j)(3)(i)(A) through (B) of this section shall include the following elements:

(A) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and non-occupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(B) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(C) A blood pressure measurement;

(D) A blood sample and analysis which determines:

(1) Blood lead level;

(2) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

(3) Zinc protoporphyrin;

(4) Blood urea nitrogen; and,

(5) Serum creatinine;

(E) A routine urinalysis with microscopic examination; and

(F) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to paragraph (j)(3)(i)(C) through (D) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(iii) Multiple physician review mechanism.

(A) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee under this section, the employee may designate a second physician:

(1) To review any findings, determinations or recommendations of the initial physician; and

(2) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(B) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen (15) days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

(1) The employee informing the employer that he or she intends to seek a second medical opinion, and

(2) The employee initiating steps to make an appointment with a second physician.

(C) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(D) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician:

(1) To review any findings, determinations or recommendations of the prior physicians; and

(2) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(E) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(iv) Information provided to examining and consulting physicians.

(A) The employer shall provide an initial physician conducting a medical examination or consultation under this section with the following information:

(1) A copy of this regulation for lead including all Appendices;

(2) A description of the affected employee's duties as they relate to the employee's exposure;

(3) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

(4) A description of any personal protective equipment used or to be used;

(5) Prior blood lead determinations; and

(6) All prior written medical opinions concerning the employee in the employer's possession or control.

(B) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under this section upon request either by the second or third physician, or by the employee.

(v) Written medical opinions.

(A) The employer shall obtain and furnish the employee with a copy of a written medical opinion from each examining or consulting physician which contains the following information:

(1) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead;

(2) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

(3) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

(4) The results of the blood lead determinations.

(B) The employer shall instruct each examining and consulting physician to:

(1) Not reveal either in the written opinion, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

(2) Advise the employee of any medical condition, occupational or non-occupational, which dictates further medical examination or treatment.

(vi) Alternate Physician Determination Mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any expeditious alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by this paragraph so long as the alternate mechanism otherwise satisfies the requirements contained in this paragraph.

(4) Chelation.

(i) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in paragraph (j)(4)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(k) Medical Removal Protection.

(1) Temporary medical removal and return of an employee.

(i) Temporary removal due to elevated blood lead levels.

(A) Third year of the standard, and thereafter. The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above 60 µg/100 g of whole blood; and,

(B) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this section (or the average of all blood sampling tests conducted over the previous six (6) months, whichever is longer) indicates that the employee's blood lead level is at or above 50 µg/100 g of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level at or below 40 µg/100 g of whole blood.

(ii) Temporary removal due to a final medical determination.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the phrase **"final medical determination"** shall mean the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section.

(C) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(iii) Return of the employee to former job status.

(A) The employer shall return an employee to his or her former job status:

(1) For an employee removed due to a blood lead level at or above 60 µg/100 g, or due to an average blood lead level at or above 50 µg/100 g, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 40 µg/100 g of whole blood;

(2) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(iv) Removal of other employee special protective measure or limitations. The employer shall remove any limitations placed on an employee or end any special protective measures provided to an employee pursuant to a final medical determination when a subsequent final medical determination indicates that the limitations or special protective measures are no longer necessary.

(v) Employer options pending a final medical determination. Where the multiple physician review mechanism, or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section, has not yet resulted in a final medical determination with respect to an employee, the employer shall act as follows:

(A) Removal. The employer may remove the employee from exposure to lead, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(B) Return. The employer may return the employee to his or her former job status, end any special protective measures provided to the employee, and remove any limitations placed upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions. If

(1) the initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician or

(2) the employee has been on removal status for the preceding eighteen months due to an elevated blood lead level, then the employer shall await a final medical determination.

(2) Medical removal protection benefits.

(i) Provision of medical removal protection benefits. The employer shall provide to an employee up to eighteen (18) months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or otherwise limited pursuant to this section.

(ii) Definition of medical removal protection benefits. For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to lead or otherwise limited.

(iii) Follow-up medical surveillance during the period of employee removal or limitation. During the period of time that an employee is removed from normal exposure to lead or otherwise limited, the employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this section.

(iv) Workers' compensation claims. If a removed employee files a claim for workers' compensation payments for a lead-related disability, then the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by such amount. The employer shall receive no credit for workers' compensation payments received by the employee for treatment related expenses.

(v) Other credits. The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or receives income from employment with another employer made possible by virtue of the employee's removal.

(vi) Employees whose blood lead levels do not adequately decline within 18 months of removal. The employer shall take the following measures with respect to any employee removed from exposure to lead due to an elevated blood lead level whose blood lead level has not declined within the past eighteen (18) months of removal so that the employee has been returned to his or her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section to obtain a final medical determination with respect to the employee;

(B) The employer shall assure that the final medical determination obtained indicates whether or not the employee may be returned to his or her former job status, and if not, what steps should be taken to protect the employee's health;

(C) Where the final medical determination has not yet been obtained, or once obtained indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to former job status, or a final medical determination is made that the employee is incapable of ever safely returning to his or her former job status.

(D) Where the employer acts pursuant to a final medical determination which permits the return of the employee to his or her former job status despite what would otherwise be an unacceptable blood lead level, later questions concerning removing the employee again shall be decided by a final medical determination. The employer need not automatically remove such an employee pursuant to the blood lead level removal criteria provided by this section.

(vii) Voluntary Removal or Restriction of An Employee. Where an employer, although not required by this section to do so, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employee's medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by paragraph (k)(2)(i) of this section.

(l) Employee information and training.

(1) Training program.

(i) Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

(ii) The employer shall train each employee who is subject to exposure to lead at or above the action level, or for whom the possibility of skin or eye irritation exists, in accordance with the requirements of this section. The employer shall institute a training program and ensure employee participation in the program.

(iii) The employer shall provide initial training by 180 days from the effective date for those employees covered by paragraph (l)(1)(ii) on the standard's effective date and prior to the time of initial job assignment for those employees subsequently covered by this paragraph.

(iv) The training program shall be repeated at least annually for each employee.

(v) The employer shall assure that each employee is informed of the following:

(A) The content of this standard and its appendices;

(B) The specific nature of the operations which could result in exposure to lead above the action level;

(C) The purpose, proper selection, fitting, use, and limitations of respirators;

(D) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females);

(E) The engineering controls and work practices associated with the employee's job assignment;

(F) The contents of any compliance plan in effect; and

(G) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician;

(2) Access to information and training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the Assistant Secretary and the Director.

(iii) In addition to the information required by paragraph (l)(1)(v), the employer shall include as part of the training program, and shall distribute to employees, any materials pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to that Act, and this lead standard, which are made available to the employer by the Assistant Secretary.

(m) Communication of hazards.

(1) Hazard communication—general.

(i) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (§ 1910.1200) for lead.

(ii) In classifying the hazards of lead at least the following hazards are to be addressed: Reproductive/developmental toxicity; central nervous system effects; kidney effects; blood effects; and acute toxicity effects.

(iii) Employers shall include lead in the hazard communication program established to comply with the HCS (§ 1910.1200). Employers shall ensure that each employee has access to labels on containers of lead and to safety data sheets, and is trained in accordance with the requirements of HCS and paragraph (l) of this section.

(2) Signs.

(i) The employer shall post the following warning signs in each work area where the PEL is exceeded:

DANGER
LEAD
MAY DAMAGE FERTILITY OR THE UNBORN CHILD
CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM
DO NOT EAT, DRINK OR SMOKE IN THIS AREA

(ii) The employer shall ensure that no statement appears on or near any sign required by this paragraph (m)(2) which contradicts or detracts from the meaning of the required sign.

(iii) The employer shall ensure that signs required by this paragraph (m)(2) are illuminated and cleaned as necessary so that the legend is readily visible.

(iv) The employer may use signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs required by this paragraph (m)(2).

(v) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in paragraph (m)(2)(ii) of this section:

WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING

(n) Recordkeeping.

(1) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required in paragraph (d) of this section.

(ii) This record shall include:

(A) The date(s), number, duration, location and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) The environmental variables that could affect the measurement of employee exposure.

(iii) The employer shall maintain these monitoring records for at least 40 years or for the duration of employment plus 20 years, whichever is longer.

(2) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by paragraph (j) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of the duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any airborne exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to lead.

(iii) The employer shall keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under paragraph (j) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information;

(C) A copy of the results of biological monitoring.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least 40 years, or for the duration of employment plus 20 years, whichever is longer.

(3) Medical removals.

(i) The employer shall establish and maintain an accurate record for each employee removed from current exposure to lead pursuant to paragraph (k) of this section.

(ii) Each record shall include:

(A) The name and social security number of the employee;

(B) The date on each occasion that the employee was removed from current exposure to lead as well as the corresponding date on which the employee was returned to his or her former job status;

(C) A brief explanation of how each removal was or is being accomplished; and

(D) A statement with respect to each removal indicating whether or not the reason for the removal was an elevated blood lead level.

(iii) The employer shall maintain each medical removal record for at least the duration of an employee's employment.

(4) Availability.

(i) The employer shall make available upon request all records required to be maintained by paragraph (n) of this section to the Assistant Secretary and the Director for examination and copying.

(ii) Environmental monitoring, medical removal, and medical records required by this paragraph shall be provided upon request to employees, designated representatives, and the Assistant Secretary in accordance with 29 CFR 1910.1020(a) through (e) and (2) through (i). Medical removal records shall be provided in the same manner as environmental monitoring records.

(5) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by paragraph (n) of this section.

(ii) The employer shall also comply with any additional requirements involving transfer of records set forth in 29 CFR 1910.1020(h).

(o) Observation of monitoring.

(1) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to paragraph (d) of this section.

(2) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of lead performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(p) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 11-1989, f. 7/14/89, ef. 8/14/89.
OR-OSHA Admin. Order 14-1990, f. 6/28/90, ef. 8/1/90.
OR-OSHA Admin. Order 20-1990, f. 9/18/90, ef. 9/18/90.
OR-OSHA Admin. Order 26-1990, f. 11/16/90, ef. 11/16/90.
OR-OSHA Admin. Order 10-1992, f. 9/24/92, ef. 9/24/92 (temp).
OR-OSHA Admin. Order 14-1992, f. 12/7/92, ef. 12/7/92 (perm).
OR-OSHA Admin. Order 4-1996, f. 9/13/96, ef. 9/13/96.
OR-OSHA Admin. Order 3-1998, f. 7/7/98, ef. 7/7/98.
OR-OSHA Admin. Order 1-2005, f. 4/12/05, ef. 4/12/05.
OR-OSHA Admin. Order 4-2006, f. 7/24/06, ef. 7/24/06.
OR-OSHA Admin. Order 10-2006, f. 11/30/06, ef. 11/30/06.
OR-OSHA Admin. Order 5-2009, f. 5/29/09, ef. 5/29/09.
OR-OSHA Admin. Order 4-2011, f. 12/8/11, ef. 12/8/11.
OR-OSHA Admin. Order 5-2011, f. 12/8/11, ef. 7/1/12.
OR-OSHA Admin. Order 1-2012, f. 4/10/12, ef. 4/10/12.
OR-OSHA Admin. Order 5-2012, f. 9/25/12, ef. 9/25/12.

Appendix A to §1910.1025 – Substance Data Sheet for Occupational Exposure to Lead

I. Substance Identification

A. Substance: Pure lead (Pb) is a heavy metal at room temperature and pressure and is a basic chemical element. It can combine with various other substances to form numerous lead compounds.

B. Compounds Covered by the Standard: The word **"lead"** when used in this standard means elemental lead, all inorganic lead compounds and a class of organic lead compounds called lead soaps. This standard does not apply to other organic lead compounds.

C. Uses: Exposure to lead occurs in at least 120 different occupations, including primary and secondary lead smelting, lead storage battery manufacturing, lead pigment manufacturing and use, solder manufacturing and use, shipbuilding and ship repairing, auto manufacturing, and printing.

D. Permissible Exposure: The Permissible Exposure Limit (PEL) set by the standard is 50 micrograms of lead per cubic meter of air (50 $\mu g/m^3$), averaged over an 8-hour workday.

E. Action Level: The standard establishes an action level of 30 micrograms per cubic meter of air (30 $\mu g/m^3$), time weighted average, based on an 8-hour workday. The action level initiates several requirements of the standard, such as exposure monitoring, medical surveillance, and training and education.

II. Health Hazard Data

A. Ways in which lead enters your body. When absorbed into your body in certain doses lead is a toxic substance. The object of the lead standard is to prevent absorption of harmful quantities of lead. The standard is intended to protect you not only from the immediate toxic effects of lead, but also from the serious toxic effects that may not become apparent until years of exposure have passed.

Lead can be absorbed into your body by inhalation (breathing) and ingestion (eating). Lead (except for certain organic lead compounds not covered by the standard, such as tetraethyl lead) is not absorbed through your skin. When lead is scattered in the air as a dust, fume or mist it can be inhaled and absorbed through your lungs and upper respiratory tract. Inhalation of airborne lead is generally the most important source of occupational lead absorption. You can also absorb lead through your digestive system if lead gets into your mouth and is swallowed. If you handle food, cigarettes, chewing tobacco, or make-up which have lead on them or handle them with hands contaminated with lead, this will contribute to ingestion.

A significant portion of the lead that you inhale or ingest gets into your blood stream. Once in your blood stream, lead is circulated throughout your body and stored in various organs and body tissues. Some of this lead is quickly filtered out of your body and excreted, but some remains in the blood and other tissues. As exposure to lead continues, the amount stored in your body will increase if you are absorbing more lead than your body is excreting. Even though you may not be aware of any immediate symptoms of disease, this lead stored in your tissues can be slowly causing irreversible damage, first to individual cells, then to your organs and whole body systems.

B. Effects of overexposure to lead.

(1) Short term (acute) overexposure. Lead is a potent, systemic poison that serves no known useful function once absorbed by your body. Taken in large enough doses, lead can kill you in a matter of days. A condition affecting the brain called acute encephalopathy may arise which develops quickly to seizures, coma, and death from cardiorespiratory arrest. A short term dose of lead can lead to acute encephalopathy. Short term occupational exposures of this magnitude are highly unusual, but not impossible. Similar forms of encephalopathy may, however, arise from extended, chronic exposure to lower doses of lead. There is no sharp dividing line between rapidly developing acute effects of lead, and chronic effects which take longer to acquire. Lead adversely affects numerous body systems, and causes forms of health impairment and disease which arise after periods of exposure as short as days or as long as several years.

(2) Long-term (chronic) overexposure. Chronic overexposure to lead may result in severe damage to your blood-forming, nervous, urinary and reproductive systems. Some common symptoms of chronic overexposure include loss of appetite, metallic taste in the mouth, anxiety, constipation, nausea, pallor, excessive tiredness, weakness, insomnia, headache, nervous irritability, muscle and joint pain or soreness, fine tremors, numbness, dizziness, hyperactivity and colic. In lead colic there may be severe abdominal pain.

Damage to the central nervous system in general and the brain (encephalopathy) in particular is one of the most severe forms of lead poisoning. The most severe, often fatal, form of encephalopathy may be preceded by vomiting, a feeling of dullness progressing to drowsiness and stupor, poor memory, restlessness, irritability, tremor, and convulsions. It may arise suddenly with the onset of seizures, followed by coma, and death. There is a tendency for muscular weakness to develop at the same time. This weakness may progress to paralysis often observed as a characteristic **“wrist drop”** or **“foot drop”** and is a manifestation of a disease to the nervous system called peripheral neuropathy.

Chronic overexposure to lead also results in kidney disease with few, if any, symptoms appearing until extensive and most likely permanent kidney damage has occurred. Routine laboratory tests reveal the presence of this kidney disease only after about two-thirds of kidney function is lost. When overt symptoms of urinary dysfunction arise, it is often too late to correct or prevent worsening conditions, and progression to kidney dialysis or death is possible.

Chronic overexposure to lead impairs the reproductive systems of both men and women. Overexposure to lead may result in decreased sex drive, impotence and sterility in men. Lead can alter the structure of sperm cells raising the risk of birth defects. There is evidence of miscarriage and still-birth in women whose husbands were exposed to lead or who were exposed to lead themselves. Lead exposure also may result in decreased fertility, and abnormal menstrual cycles in women. The course of pregnancy may be adversely affected by exposure to lead since lead crosses the placental barrier and poses risks to developing fetuses. Children born of parents either one of whom were exposed to excess lead levels are more likely to have birth defects, mental retardation, behavioral disorders or die during the first year of childhood.

Overexposure to lead also disrupts the blood-forming system resulting in decreased hemoglobin (the substance in the blood that carries oxygen to the cells) and ultimately anemia. Anemia is characterized by weakness, pallor and fatigability as a result of decreased oxygen carrying capacity in the blood.

(3) Health protection goals of the standard. Prevention of adverse health effects for most workers from exposure to lead throughout a working lifetime requires that worker blood lead (PbB) levels be maintained at or below forty micrograms per one hundred grams of whole blood (40 µg/100g). The blood lead levels of workers (both male and female workers) who intend to have children should be maintained below 30 µg/100g to minimize adverse reproductive health effects to the parents and to the developing fetus.

The measurement of your blood lead level is the most useful indicator of the amount of lead being absorbed by your body. Blood lead levels (PbB) are most often reported in units of milligrams (mg) or micrograms (µg) of lead (1 mg= 1000 µg) per 100 grams (100g), 100 milliters (100 ml) or deciliter (dl) of blood. These three units are essentially the same. Sometime PbB's are expressed in the form of mg% or µg%. This is a shorthand notation for 100g, 100 ml, or dl.

PbB measurements show the amount of lead circulating in your blood stream, but do not give any information about the amount of lead stored in your various tissues. PbB measurements merely show current absorption of lead, not the effect that lead is having on your body or the effects that past lead exposure may have already caused. Past research into lead-related diseases, however, has focused heavily on associations between PbBs and various diseases. As a result, your PbB is an important indicator of the likelihood that you will gradually acquire a lead-related health impairment or disease.

Once your blood lead level climbs above 40 µg/100g, your risk of disease increases. There is a wide variability of individual response to lead, thus it is difficult to say that a particular PbB in a given person will cause a particular effect. Studies have associated fatal encephalopathy with PbBs as low as 150 µg/100g. Other studies have shown other forms of diseases in some workers with PbBs well below 80 µg/100g. Your PbB is a crucial indicator of the risks to your health, but one other factor is also extremely important. This factor is the length of time you have had elevated PbBs. The longer you have an elevated PbB, the greater the risk that large quantities of lead are being gradually stored in your organs and tissues (body burden). The greater your overall body burden, the greater the chances of substantial permanent damage.

The best way to prevent all forms of lead-related impairments and diseases – both short term and long term – is to maintain your PbB below 40 µg/100g. The provisions of the standard are designed with this end in mind. Your employer has prime responsibility to assure that the provisions of the standard are complied with both by the company and by individual workers. You as a worker, however, also have a responsibility to assist your employer in complying with the standard. You can play a key role in protecting your own health by learning about the lead hazards and their control, learning what the standard requires, following the standard where it governs your own actions, and seeing that your employer complies with provisions governing his actions.

(4) Reporting signs and symptoms of health problems. You should immediately notify your employer if you develop signs or symptoms associated with lead poisoning or if you desire medical advice concerning the effects of current or past exposure to lead on your ability to have a healthy child. You should also notify your employer if you have difficulty breathing during a respirator fit test or while wearing a respirator. In each of these cases your employer must make available to you appropriate medical examinations or consultations. These must be provided at no cost to you and at a reasonable time and place.

The standard contains a procedure whereby you can obtain a second opinion by a physician of your choice if the employer selected the initial physician.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 11-1989, f. 7/14/89, ef. 8/14/89.
OR-OSHA Admin. Order 13-1991, f. 10/10/91, ef. 10/10/91.

Appendix B to §1910.1025 – Employee Standard Summary

This appendix summarizes key provisions of the standard that you as a worker should become familiar with.

I. Permissible Exposure Limit (PEL) – Paragraph (c)

The standards sets a permissible exposure limit (PEL) of fifty micrograms of lead per cubic meter of air (50 µg/m^3), averaged over an 8-hour workday. This is the highest level of lead in air to which you may be permissibly exposed over an 8-hour workday. Since it is an 8-hour average it permits short exposures above the PEL so long as for each 8-hour work day your average exposure does not exceed the PEL.

This standard recognizes that your daily exposure to lead can extend beyond a typical 8-hour workday as the result of overtime or other alterations in your work schedule. To deal with this, the standard contains a formula which reduces your permissible exposure when you are exposed more than 8 hours. For example, if you are exposed to lead for 10 hours a day, the maximum permitted average exposure would be 40 µg/m^3.

II. Exposure Monitoring – Paragraph (d)

If lead is present in the workplace where you work in any quantity, your employer is required to make an initial determination of whether the action level is met or exceeded for any employee. This initial determination must include instrument monitoring of the air for the presence of lead and must cover the exposure of a representative number of employees who are reasonably believed to have the highest exposure levels. If your employer has conducted appropriate air sampling for lead in the past year he may use these results. If there have been any employee complaints of symptoms which may be attributable to exposure to lead or if there is any other information or observations which would indicate employee exposure to lead, this must also be considered as part of the initial determination. This initial determination must have been completed by March 31, 1979. If this initial determination shows that a reasonable possibility exists that any employee may be exposed, without regard to respirators, over the action level (30 µg/m^3) your employer must set up an air monitoring program to determine the exposure level of every employee exposed to lead at your workplace.

In carrying out this air monitoring program, your employer is not required to monitor the exposure of every employee, but he must monitor a representative number of employees and job types. Enough sampling must be done to enable each employee's exposure level to be reasonably represented by at least one full shift (at least 7 hours) air sample. In addition, these air samples must be taken under conditions which represent each employee's regular, daily exposure to lead. All initial exposure monitoring must have been completed by May 30, 1979.

If you are exposed to lead and air sampling is performed, your employer is required to quickly notify you in writing of air monitoring results which represent your exposure. If the results indicate your exposure exceeds the PEL (without regard to your use of respirators), then your employer must also notify you of this in writing, and provide you with a description of the corrective action that will be taken to reduce your exposure.

Your exposure must be rechecked by monitoring every six months if your exposure is over the action level but below the PEL. Air monitoring must be repeated every 3 months if you are exposed over the PEL. Your employer may discontinue monitoring for you if 2 consecutive measurements, taken at least two weeks apart, are below the action level. However, whenever there is a production, process, control, or personnel change at your workplace which may result in new or additional exposure to lead, or whenever there is any other reason to suspect a change which may result in new or additional exposure to lead, your employer must perform additional monitoring.

III. Methods of Compliance – Paragraph (e)

Your employer is required to assure that no employee is exposed to lead in excess of the PEL. The standard establishes a priority of methods to be used to meet the PEL.

IV. Respiratory Protection – Paragraph (f)

Your employer is required to provide and assure your use of respirators when your exposure to lead is not controlled below the PEL by other means. The employer must pay the cost of the respirator. Whenever you request one, your employer is also required to provide you a respirator even if your air exposure level does not exceed the PEL. You might desire a respirator when, for example, you have received medical advice that your lead absorption should be decreased. Or, you may intend to have children in the near future, and want to reduce the level of lead in your body to minimize adverse reproductive effects. While respirators are the least satisfactory means of controlling your exposure, they are capable of providing significant protection if properly chosen, fitted, worn, cleaned, maintained, and replaced when they stop providing adequate protection.

Your employer is required to select respirators from the seven types listed in Table II of the Respiratory Protection section of the standard (§1910.1025(f)). Any respirator chosen must be approved by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 42 CFR part 84. This respirator selection table will enable your employer to choose a type of respirator that will give you a proper amount of protection based on your airborne lead exposure. Your employer may select a type of respirator that provides greater protection than that required by the standard; that is, one recommended for a higher concentration of lead than is present in your workplace. For example, a powered air-purifying respirator (PAPR) is much more protective than a typical negative pressure respirator, and may also be more comfortable to wear. A PAPR has a filter, cartridge, or canister to clean the air, and a

power source that continuously blows filtered air into your breathing zone. Your employer might make a PAPR available to you to ease the burden of having to wear a respirator for long periods of time. The standard provides that you can obtain a PAPR upon request.

Your employer must also start a Respiratory Protection Program. This program must include written procedures for the proper selection, use, cleaning, storage, and maintenance of respirators.

Your employer must ensure that your respirator facepiece fits properly. Proper fit of a respirator facepiece is critical to your protection from airborne lead. Obtaining a proper fit on each employee may require your employer to make available several different types of respirator masks. To ensure that your respirator fits properly and that facepiece leakage is minimal, your employer must give you either a qualitative or quantitative fit test as specified in Appendix A of the Respiratory Protection standard located at 29 CFR 1910.134.

You must also receive from your employer proper training in the use of respirators. Your employer is required to teach you how to wear a respirator, to know why it is needed, and to understand its limitations.

The standard provides that if your respirator uses filter elements, you must be given an opportunity to change the filter elements whenever an increase in breathing resistance is detected. You also must be permitted to periodically leave your work area to wash your face and respirator facepiece whenever necessary to prevent skin irritation. If you ever have difficulty in breathing during a fit test or while using a respirator, your employer must make a medical examination available to you to determine whether you can safely wear a respirator. The result of this examination may be to give you a positive pressure respirator (which reduces breathing resistance) or to provide alternative means of protection.

NOTE: Consult paragraph (f) and OAR 437-002-1025 for the current respiratory protection requirements in Oregon.

V. Protective Work Clothing and Equipment – Paragraph (g)

If you are exposed to lead above the PEL, or if you are exposed to lead compounds such as lead arsenate or lead azide which can cause skin and eye irritation, your employer must provide you with protective work clothing and equipment appropriate for the hazard. If work clothing is provided, it must be provided in a clean and dry condition at least weekly, and daily if your airborne exposure to lead is greater than 200 $\mu g/m^3$. Appropriate protective work clothing and equipment can include coveralls or similar full-body work clothing, gloves, hats, shoes or disposable shoe coverlets, and face shields or vented goggles. Your employer is required to provide all such equipment at no cost to you. He is responsible for providing repairs and replacement as necessary, and also is responsible for the cleaning, laundering or disposal of protective clothing and equipment. Contaminated work clothing or equipment must be removed in change rooms and not worn home or you will extend your exposure and expose your family since lead from your clothing can accumulate in your house, car,

etc. Contaminated clothing which is to be cleaned, laundered or disposed of must be placed in closed containers in the change room. At no time may lead be removed from protective clothing or equipment by any means which disperses lead into the workroom air.

VI. Housekeeping – Paragraph (h)

Your employer must establish a housekeeping program sufficient to maintain all surfaces as free as practicable of accumulations of lead dust. Vacuuming is the preferred method of meeting this requirement, and the use of compressed air to clean floors and other surfaces is absolutely prohibited. Dry or wet sweeping, shoveling, or brushing may not be used except where vacuuming or other equally effective methods have been tried and do not work. Vacuums must be used and emptied in a manner which minimizes the reentry of lead into the workplace.

VII. Hygiene Facilities and Practices – Paragraph (i)

The standard requires that change rooms, showers, and filtered air lunchrooms be constructed and made available to workers exposed to lead above the PEL. When the PEL is exceeded, the employer must assure that food and beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in these facilities. Change rooms, showers, and lunchrooms must be used by workers exposed in excess of the PEL. After showering, no clothing or equipment worn during the shift may be worn home, and this includes shoes and underwear. Your own clothing worn during the shift should be carried home and cleaned carefully so that it does not contaminate your home. Lunchrooms may not be entered with protective clothing or equipment unless surface dust has been removed by vacuuming, downdraft booth, or other cleaning method. Finally, workers exposed above the PEL must wash both their hands and faces prior to eating, drinking, smoking or applying cosmetics.

All of the facilities and hygiene practices just discussed are essential to minimize additional sources of lead absorption from inhalation or ingestion of lead that may accumulate on you, your clothes, or your possessions. Strict compliance with these provisions can virtually eliminate several sources of lead exposure which significantly contribute to excessive lead absorption.

VIII. Medical Surveillance – Paragraph (j)

The medical surveillance program is part of the standard's comprehensive approach to the prevention of lead-related disease. Its purpose is to supplement the main thrust of the standard which is aimed at minimizing airborne concentrations of lead and sources of ingestion. Only medical surveillance can determine if the other provisions of the standard have affectively protected you as an individual. Compliance

with the standard's provision will protect most workers from the adverse effects of lead exposure, but may not be satisfactory to protect individual workers (1) who have high body burdens of lead acquired over past years, (2) who have additional uncontrolled sources of non-occupational lead exposure, (3) who exhibit unusual variations in lead absorption rates, or (4) who have specific non-work related medical conditions which could be aggravated by lead exposure (e.g., renal disease, anemia). In addition, control systems may fail, or hygiene and respirator programs may be inadequate. Periodic medical surveillance of individual workers will help detect those failures. Medical surveillance will also be important to protect your reproductive ability – regardless of whether you are a man or woman.

All medical surveillance required by the standard must be performed by or under the supervision of a licensed physician. The employer must provide required medical surveillance without cost to employees and at a reasonable time and place. The standard's medical surveillance program has two parts – periodic biological monitoring and medical examinations.

Your employer's obligation to offer you medical surveillance is triggered by the results of the air monitoring program. Medical surveillance must be made available to all employees who are exposed in excess of the action level for more than 30 days a year. The initial phase of the medical surveillance program, which includes blood lead level tests and medical examinations, must be completed for all covered employees no later than August 28, 1979. Priority within this first round of medical surveillance must be given to employees whom the employer believes to be at greatest risk from continued exposure (for example, those with the longest prior exposure to lead, or those with the highest current exposure). Thereafter, the employer must periodically make medical surveillance – both biological monitoring and medical examinations – available to all covered employees.

Biological monitoring under the standard consists of blood lead level (PbB) and zinc protoporphyrin tests at least every 6 months after the initial PbB test. A zinc protoporphyrin (ZPP) test is a very useful blood test which measures an effect of lead on your body. If a worker's PbB is at or above 40 µg/100g the monitoring frequency must be increased from every 6 months to at least every 2 months and not reduced until two consecutive PbBs indicate a blood lead level below 40 µg/100g. Each time your PbB is determined to be at or above 40 µg/100g, your employer must notify you of this in writing within five working days of his receipt of the test results. The employer must also inform you that the standard requires temporary medical removal with economic protection when your PbB is at or above certain criteria. (See Discussion of Medical Removal Protection – Paragraph (k).) During the first year of the standard, this removal criterion is 80 µg/100g. Anytime your PbB exceeds 80 µg/100g your employer must make available to you a prompt follow-up PbB test to ascertain your PbB. If the two tests both exceed 80 µg/100g and you are temporarily removed, then your employer must make successive PbB tests available to you on a monthly basis during the period of your removal.

Medical examinations beyond the initial one must be made available on an annual basis if your blood lead level is at or above 40 µg/100g at any time during the preceding year. The initial examination will provide information to establish a baseline to which subsequent data can be compared. An initial medical examination must also be made available (prior to assignment) for each employee being assigned for the first time to an area where the airborne concentration of lead equals or exceeds the action level. In addition, a medical examination or consultation must be made available as soon as possible if you notify your employer that you are experiencing signs or symptoms commonly associated with lead poisoning or that you have difficulty breathing while wearing a respirator or during a respirator fit test. You must also be provided a medical examination or consultation if you notify your employer that you desire medical advice concerning the effects of current or past exposure to lead on your ability to procreate a healthy child.

Finally, appropriate follow-up medical examinations or consultations may also be provided for employees who have been temporarily removed from exposure under the medical removal protection provisions of the standard. (See Part IX, below.)

The standard specifies the minimum content of pre-assignment and annual medical examinations. The content of other types of medical examinations and consultations is left up to the sound discretion of the examining physician. Pre-assignment and annual medical examinations must include (1) a detailed work history and medical history, (2) a thorough physical examination, and (3) a series of laboratory tests designed to check your blood chemistry and your kidney function. In addition, at any time upon your request, a laboratory evaluation of male fertility will be made (microscopic examination of a sperm sample), or a pregnancy test will be given.

The standard does not require that you participate in any of the medical procedures, tests, etc. which your employer is required to make available to you. Medical surveillance can, however, play a very important role in protecting your health. You are strongly encouraged, therefore, to participate in a meaningful fashion. The standard contains a multiple physician review mechanism which would give you a chance to have a physician of your choice directly participate in the medical surveillance program. If you were dissatisfied with an examination by a physician chosen by your employer, you could select a second physician to conduct an independent analysis. The two doctors would attempt to resolve any differences of opinion, and select a third physician to resolve any firm dispute. Generally your employer will choose the physician who conducts medical surveillance under the lead standard – unless you and your employer can agree on the choice of a physician or physicians. Some companies and unions have agreed in advance, for example, to use certain independent medical laboratories or panels of physicians. Any of these arrangements are acceptable so long as required medical surveillance is made available to workers.

The standard requires your employer to provide certain information to a physician to aid in his or her examination of you. This information includes (1) the standard and its appendices, (2) a description of your duties as they relate to lead exposure, (3) your exposure level, (4) a description of personal protective equipment you wear, (5) prior

blood lead level results, and (6) prior written medical opinions concerning you that the employer has. After a medical examination or consultation the physician must prepare a written report which must contain (1) the physician's opinion as to whether you have any medical condition which places you at increased risk of material impairment to health from exposure to lead, (2) any recommended special protective measures to be provided to you, (3) any blood lead level determinations, and (4) any recommended limitation on your use of respirators. This last element must include a determination of whether you can wear a powered air purifying respirator (PAPR) if you are found unable to wear a negative pressure respirator.

The medical surveillance program of the lead standard may at some point in time serve to notify certain workers that they have acquired a disease or other adverse medical condition as a result of occupational lead exposure. If this is true, these workers might have legal rights to compensation from public agencies, their employers, firms that supply hazardous products to their employers, or other persons. Some states have laws, including worker compensation laws, that disallow a worker who learns of a job-related health impairment to sue, unless the worker sues within a short period of time after learning of the impairment. (This period of time may be a matter of months or years.) An attorney can be consulted about these possibilities. It should be stressed that OSHA is in no way trying to either encourage or discourage claims or lawsuits. However, since results of the standard's medical surveillance program can significantly affect the legal remedies of a worker who has acquired a job-related disease or impairment, it is proper for OSHA to make you aware of this.

The medical surveillance section of the standard also contains provisions dealing with chelation. Chelation is the use of certain drugs (administered in pill form or injected into the body) to reduce the amount of lead absorbed in body tissues. Experience accumulated by the medical and scientific communities has largely confirmed the effectiveness of this type of therapy for the treatment of very severe lead poisoning. On the other hand, it has also been established that there can be a long list of extremely harmful side effects associated with the use of chelating agents. The medical community has balanced the advantages and disadvantages resulting from the use of chelating agents in various circumstances and has established when the use of these agents is acceptable. The standard includes these accepted limitations due to a history of abuse of chelation therapy by some lead companies. The most widely used chelating agents are calcium disodium EDTA, ($Ca\ Na_2$ EDTA), Calcium Disodium Versenate (Versenate), and d-penicillamine (pencillamine or Cupramine).

The standard prohibits **"prophylactic chelation"** of any employee by any person the employer retains, supervises or controls. **"Prophylactic chelation"** is the routine use of chelating or similarly acting drugs to prevent elevated blood levels in workers who are occupationally exposed to lead, or the use of these drugs to **routinely** lower blood lead levels to predesignated concentrations believed to be 'safe'. It should be emphasized that where an employer takes a worker who has no symptoms of lead poisoning and has chelation carried out by a physician (either inside or outside of a

hospital) solely to reduce the worker's blood lead level, that will generally be considered prophylactic chelation. The use of a hospital and a physician does not mean that prophylactic chelation is not being performed. Routine chelation to prevent increased or reduce current blood lead levels is unacceptable whatever the setting.

The standard allows the use of **"therapeutic"** or **"diagnostic"** chelation if administered under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring. Therapeutic chelation responds to severe lead poisoning where there are marked symptoms. Diagnostic chelation involved giving a patient a dose of the drug then collecting all urine excreted for some period of time as an aid to the diagnosis of lead poisoning.

In cases where the examining physician determines that chelation is appropriate, you must be notified in writing of this fact before such treatment. This will inform you of a potentially harmful treatment, and allow you to obtain a second opinion.

IX. Medical Removal Protection – Paragraph (k)

Excessive lead absorption subjects you to increased risk of disease. Medical removal protection (MRP) is a means of protecting you when, for whatever reasons, other methods, such as engineering controls, work practices, and respirators, have failed to provide the protection you need. MRP involves the temporary removal of a worker from his or her regular job to a place of significantly lower exposure without any loss of earnings, seniority, or other employment rights or benefits. The purpose of this program is to cease further lead absorption and allow your body to naturally excrete lead which has previously been absorbed. Temporary medical removal can result from an elevated blood lead level, or a medical opinion. Up to 18 months of protection is provided as a result of either form of removal. The vast majority of removed workers, however, will return to their former jobs long before this eighteen month period expires. The standard contains special provisions to deal with the extraordinary but possible case where a longterm worker's blood lead level does not adequately decline during eighteen months of removal.

During the first year of the standard, if your blood lead level is 80 µg/100g or above you must be removed from any exposure where your air lead level without a respirator would be 100 $\mu g/m^3$ or above. If you are removed from your normal job you may not be returned until your blood lead level declines to at least 60 µg/100g. These criteria for removal and return will change according to the following schedule:

	Removal blood lead (µg/100 g)	**Air lead ($\mu g/m^3$)**	**Return blood lead (µg/100 g)**
After Mar. 1, 1980	70 and above	50 and above	At or below 50.
After Mar. 1, 1981	60 and above	30 and above	At or below 40.
After Mar. 1, 1983	50 and above averaged over six months.	30 and above	Do.

You may also be removed from exposure even if your blood lead levels are below these criteria if a final medical determination indicates that you temporarily need reduced lead exposure for medical reasons. If the physician who is implementing your employers medical program makes a final written opinion recommending your removal or other special protective measures, your employer must implement the physician's recommendation. If you are removed in this manner, you may only be returned when the doctor indicates that it is safe for you to do so.

The standard does not give specific instructions dealing with what an employer must do with a removed worker. Your job assignment upon removal is a matter for you, your employer and your union (if any) to work out consistent with existing procedures for job assignments. Each removal must be accomplished in a manner consistent with existing collective bargaining relationships. Your employer is given broad discretion to implement temporary removals so long as no attempt is made to override existing agreements. Similarly, a removed worker is provided no right to veto an employer's choice which satisfies the standard.

In most cases, employers will likely transfer removed employees to other jobs with sufficiently low lead exposure. Alternatively, a worker's hours may be reduced so that the time weighted average exposure is reduced, or he or she may be temporarily laid off if no other alternative is feasible.

In all of these situation, MRP benefits must be provided during the period of removal – i.e., you continue to receive the same earnings, seniority, and other rights and benefits you would have had if you had not been removed. Earnings includes more than just your base wage; it includes overtime, shift differentials, incentives, and other compensation you would have earned if you had not been removed. During the period of removal you must also be provided with appropriate follow-up medical surveillance. If you were removed because your blood lead level was too high, you must be provided with a monthly blood test. If a medical opinion caused your removal, you must be provided medical tests or examinations that the doctor believes to be appropriate. If you do not participate in this follow up medical surveillance, you may lose your eligibility for MRP benefits.

When you are medically eligible to return to your former job, your employer must return you to your **"former job status."** This means that you are entitled to the position, wages, benefits, etc., you would have had if you had not been removed. If you would still be in your old job if no removal had occurred that is where you go back. If not, you are returned consistent with whatever job assignment discretion your employer would have had if no removal had occurred. MRP only seeks to maintain your rights, not expand them or diminish them.

If you are removed under MRP and you are also eligible for worker compensation or other compensation for lost wages, your employer's MRP benefits obligation is reduced by the amount that you **actually** receive from these other sources. This is also true if you obtain other employment during the time you are laid off with MRP benefits.

The standard also covers situations where an employer **voluntarily** removes a worker from exposure to lead due to the effects of lead on the employee's medical condition, even though the standard does not require removal. In these situations MRP benefits must still be provided as though the standard required removal. Finally, it is important to note that in all cases where removal is required, respirators cannot be used as a substitute. Respirators may be used before removal becomes necessary, but not as an alternative to a transfer to a low exposure job, or to a lay-off with MRP benefits.

X. Employee Information and Training – Paragraph (l)

Your employer is required to provide an information and training program for all employees exposed to lead at or above the action level or who may suffer skin or eye irritation from lead. This program must inform these employees of the specific hazards associated with their work environment, protective measures which can be taken, the danger of lead to their bodies (including their reproductive systems), and their rights under the standard. In addition your employer must make readily available to all employees, including those exposed below the action level, a copy of the standard and its appendices and must distribute to all employees any materials provided to the employer by the Occupational Safety and Health Administration (OSHA).

Your employer is required to complete this training program for all employees by August 28, 1979. After this date, all new employees must be trained prior to initial assignment to areas where there is a possibility of exposure over the action level.

This training program must also be provided at least annually thereafter.

XI. Signs – Paragraph (m)

The standard requires that the following warning sign be posted in work areas when the exposure to lead exceeds the PEL:

DANGER
LEAD
MAY DAMAGE FERTILITY OR THE UNBORN CHILD
CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM
DO NOT EAT, DRINK OR SMOKE IN THIS AREA

However, prior to June 1, 2016, employers may use the following legend in lieu of that specified above:

WARNING
LEAD WORK AREA
NO SMOKING OR EATING

XII. Recordkeeping – Paragraph (n)

Your employer is required to keep all records of exposure monitoring for airborne lead. These records must include the name and job classification of employees measured, details of the sampling and analytic techniques, the results of this sampling, and the type of respiratory protection being worn by the person sampled. Your employer is also required to keep all records of biological monitoring and medical examination results. These must include the names of the employees, the physician's written opinion, and a copy of the results of the examination. All of the above kinds of records must be kept for 40 years, or for at least 20 years after your termination of employment, whichever is longer.

Recordkeeping is also required if you are temporarily removed from your job under the medical removal protection program. This record must include your name and social security number, the date of your removal and return, how the removal was or is being accomplished, and whether or not the reason for the removal was an elevated blood lead level. Your employer is required to keep each medical removal record only for as long as the duration of an employee's employment.

The standard requires that if you request to see or copy environmental monitoring, blood lead level monitoring, or medical removal records, they must be made available to you or to a representative that you authorize. Your union also has access to these records. Medical records other than PbB's must also be provided upon request to you, to your physician or to any other person whom you may specifically designate. Your union does not have access to your personal medical records unless you authorize their access.

XIII. Observations of Monitoring – Paragraph (o)

When air monitoring for lead is performed at your workplace as required by this standard, your employer must allow you or someone you designate to act as an observer of the monitoring. Observers are entitled to an explanation of the measurement procedure, and to record the results obtained. Since results will not normally be available at the time of the monitoring, observers are entitled to record or receive the results of the monitoring when returned by the laboratory. Your employer is required to provide the observer with any personal protective devices required to be worn by employees working in the area that is being monitored. The employer must require the observer to wear all such equipment and to comply with all other applicable safety and health procedures.

XIV. For Additional Information

A. Copies of the Standard and explanatory material may be obtained by writing or calling the OSHA Docket Office, Department of Labor, Room N2634, 200 Constitution Avenue NW, Washington, D.C. 20210. Telephone: (202) 219-7894.

1. The standard and summary of the statement of reasons (preamble), Federal Register, Volume 43, pp. 52952-53014, November 14, 1978.

2. The full statement of reasons (preamble) Federal Register, vol. 43, pp. 54354-54509, November 21, 1978.

3. Partial Administrative Stay and Corrections to the standard, (44 FR 5446-5448) January 26, 1979.

4. Notice of the Partial Judicial Stay (44 FR 14554-14555) March 13, 1979.

5. Corrections to the preamble, Federal Register, vol. 44, pp. 20680-20681, April 6, 1979.

6. Additional correction to the preamble concerning the construction industry, Federal Register, vol. 44, p. 50338, August 28, 1979.

7. Appendices to the standard (Appendices A, B, C), Federal Register, Vol. 44, pp. 60980-60995, October 23, 1979.

8. Corrections to appendices, Federal Register, Vol. 44, 68828, November 30, 1979.

9. Revision to the standard and an additional appendix (Appendix D, Federal Register, Vol. 47, pp. 51117-51119, November 12, 1982.

10. Notice of reopening of lead rulemaking for nine remand industry sectors, Federal Register, vol. 53, pp. 11511-11513, April 7, 1988.

11. Statement of reasons, Federal Register, vol. 54, pp. 29142-29275, July 11, 1989.

12. Statement of reasons, Federal Register, vol. 55, pp. 3146-3167, January 30, 1990.

13. Correction to Appendix B, Federal Register, vol. 55, pp. 4998-4999, February 13, 1991.

14. Correction to appendices, Federal Register, vol. 56, p. 24686, May 31, 1991.

B. Additional information about the standard, its enforcement, and your employer's compliance can be obtained from the nearest OSHA Area Office listed in your telephone directory under United States Government/Department of Labor.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 11-1989, f. 7/14/89, ef. 8/14/89.
OR-OSHA Admin. Order 14-1990, f. 6/28/90, ef. 8/1/90.
OR-OSHA Admin. Order 13-1991, f. 10/10/91, ef. 10/10/91.
OR-OSHA Admin. Order 4-1996, f. 9/13/96, ef. 9/13/96.
OR-OSHA Admin. Order 3-1998, f. 7/7/98, ef. 7/7/98.
OR-OSHA Admin. Order 4-2006, f. 7/24/06, ef. 7/24/06.
OR-OSHA Admin. Order 1-2012, f. 4/10/12, ef. 4/10/12.
OR-OSHA Admin. Order 5-2012, f. 9/25/12, ef. 9/25/12.

Appendix C to §1910.1025 – Medical Surveillance Guidelines

Introduction

The primary purpose of the Occupational Safety and Health Act of 1970 is to assure, so far as possible, safe and healthful working conditions for every working man and woman. The occupational health standard for inorganic lead[1] was promulgated to protect workers exposed to inorganic lead including metallic lead, all inorganic lead compounds and organic lead soaps.

Under this final standard in effect as of March 1, 1979, occupational exposure to inorganic lead is to be limited to 50 $\mu g/m^3$ (micrograms per cubic meter) based on an 8 hour time-weighted average (TWA). This level of exposure eventually must be achieved through a combination of engineering, work practice and other administrative controls. Periods of time ranging from 1 to 10 years are provided for different industries to implement these controls. The schedule which is based on individual industry considerations is given in Table 1. Until these controls are in place, respirators must be used to meet the 50 $\mu g/m^3$ exposure limit.

The standard also provides for a program of biological monitoring and medical surveillance for all employees exposed to levels of inorganic lead at or above the action level of 30 $\mu g/m^3$ (TWA) for more than 30 days per year.

The purpose of this document is to outline the medical surveillance provisions of the standard for inorganic lead, and to provide further information to the physician regarding the examination and evaluation of workers exposed to inorganic lead.

Section 1 provides a detailed description of the monitoring procedure including the required frequency of blood testing for exposed workers, provisions for medical removal protection (MRP), the recommended right of the employee to a second medical opinion, and notification and recordkeeping requirements of the employer. A discussion of the requirements for respirator use and respirator monitoring and OSHA's position on prophylactic chelation therapy are also included in this section.

Section 2 discusses the toxic effects and clinical manifestations of lead poisoning and effects of lead intoxication on enzymatic pathways in heme synthesis. The adverse effects on both male and female reproductive capacity and on the fetus are also discussed.

Section 3 outlines the recommended medical evaluation of the worker exposed to inorganic lead including details of the medical history, physical examination, and recommended laboratory tests, which are based on the toxic effects of lead as discussed in Section 2.

1 The term **inorganic lead** used throughout the medical surveillance appendices is meant to be synonymous with the definition of lead set forth in the standard.

Section 4 provides detailed information concerning the laboratory tests available for the monitoring of exposed workers. Included also is a discussion of the relative value of each test and the limitations and precautions which are necessary in the interpretation of the laboratory results.

Table 1

	Effective date					
Permissible airborne lead levels by industry (µg/m^3)[1]	**Mar. 1, 1979**	**Mar. 1, 1980**	**Mar. 1, 1981**	**Mar. 1, 1982**	**Mar. 1, 1984**	**Mar. 1, 1989 (final)**
1. Primary lead production	200	200	200	100	100	50
2. Secondary lead production	200	200	200	100	50	50
3. Lead-acid battery manufacturing	200	200	100	100	50	50
4. Nonferrous foundries	200	200	100	100	50	50
5. Lead pigment manufacturing	200	200	200	100	50	50
6. All other industries	200	50	50	50	50	50

[1] Airborne levels to be achieved without reliance or respirator protection through a combination of engineering, work practice and other administrative controls. While these controls are being implemented respirators must be used to meet the 50 µg/m^3 exposure limit.

I. Medical Surveillance and Monitoring Requirements for Workers Exposed to Inorganic Lead

Under the occupational health standard for inorganic lead, a program of biological monitoring and medical surveillance is to be made available to all employees exposed to lead above the action level of 30 µg/m^3 TWA for more than 30 days each year. This program consists of periodic blood sampling and medical evaluation to be performed on a schedule which is defined by previous laboratory results, worker complaints or concerns, and the clinical assessment of the examining physician.

Under this program, the blood lead level of all employees who are exposed to lead above the action level of 30 µg/m^3 is to be determined at least every six months. The frequency is increased to every two months for employees whose last blood lead level was between 40 µg/100 g whole blood and the level requiring employee medical removal to be discussed below. For employees who are removed from exposure to lead due to an elevated blood lead, a new blood lead level must be measured monthly. A zinc protoporphyrin (ZPP) is required on each occasion that a blood lead level measurement is made.

An annual medical examination and consultation performed under the guidelines discussed in Section 3 is to be made available to each employee for whom a blood test conducted at any time during the preceding 12 months indicated a blood lead level at or above 40 µg/100 g. Also, an examination is to be given to all employees prior to their assignment to an area in which airborne lead concentrations reach or exceed the action level. In addition, a medical examination must be provided as soon as possible after notification by an employee that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice

regarding lead exposure and the ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during respirator use. An examination is also to be made available to each employee removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited or specially protected pursuant to medical recommendations.

Results of biological monitoring or the recommendations of an examining physician may necessitate removal of an employee from further lead exposure pursuant to the standard's medical removal protection (MRP) program. The object of the MRP program is to provide temporary medical removal to workers either with substantially elevated blood lead levels or otherwise at risk of sustaining material health impairment from continued substantial exposure to lead. The following guidelines which are summarized in Table 2 were created under the standard for the temporary removal of an exposed employee and his or her subsequent return to work in an exposure area.

Under the standard's ultimate worker removal criteria, a worker is to be removed from any work having any eight hour TWA exposure to lead of 30 µg/m^3 or more whenever either of the following circumstances apply: (1) a blood lead level of 60 µg/100 g or greater is obtained and confirmed by a second follow-up blood lead level performed within two weeks after the employer receives the results of the first blood sampling test, or (2) the average of the previous three blood lead determinations or the average of all blood lead determinations conducted during the previous six months, whichever encompasses the longest time period, equals or exceeds 50 µg/100 g, unless the last blood sample indicates a blood lead level at or below 40 µg/100 g in which case the employee need not be removed. Medical removal is to continue until two consecutive blood lead levels are less than 40 µg/100 g.

During the first two years that the ultimate removal criteria are being phased in, the return criteria have been set to assure that a worker's blood lead level has substantially declined during the period of removal. From March 1, 1979 to March 1, 1980, the blood lead level requiring employee medical removal is 80 µg/100 g. Workers found to have a confirmed blood lead at this level or greater need only be removed from work having a daily 8 hour TWA exposure to lead at or above 100 µg/m^3. Workers so removed are to be returned to work when their blood lead levels are at or below 60 µg/100 g of whole blood. From March 1, 1980 to March 1, 1981, the blood lead level requiring medical removal is 70 µg/100 g. During this period workers need only be removed from jobs having a daily 8 hour TWA exposure to lead at or above 50 µg/m^3 and are to be returned to work when a level of 50 µg/100 g is achieved. Beginning March 1, 1981, return depends on a worker's blood lead level declining to below 40 µg/100 g of whole blood.

As part of the standard, the employer is required to notify in writing each employee whose blood lead level is at or above 40 µg/100 g. In addition each such employee is to be informed that the standard requires medical removal with MRP benefits, discussed below, when an employee's blood lead level is at or above defined limits.

Table 2

	Effective date				
	Mar. 1, 1979	**Mar. 1, 1980**	**Mar. 1, 1981**	**Mar. 1, 1982**	**Mar. 1, 1983 (final)**
A. Blood lead level requiring employee medical removal. (Level must be confirmed with second follow-up blood lead level within two weeks of first report).	∃80 µg/ 10 g	∃70 µg/ 10 g	∃60 µg/ 10 g	∃60 µg/ 10 g	∃60 µg/100 g or average of last three blood samples or all blood samples over a longer time period) is 50 µg/ 100 g or greater unless last blood sample is less than 40 µg/ 10 0 g.
B. Frequency which employees exposed to action level of lead (30 µg/m3 TWA) must have blood level checked (ZPP is also required in each occasion that a blood lead is obtained):					
1. Last blood lead level less than 40 µg/100 g	Every 6 months	Every 6 months	Every 6 months	Every 6 months	Every 6 months
2. Last blood lead level between 40 µg/100 g and level requiring medical removal (see A above).	Every 2 months	Every 2 months	Every 2 months	Every 2 months	Every 2 months
3. Employees removed from exposure to lead because of an elevated blood lead level.	Every 1 month	Every 1 month	Every 1 month	Every 1 month	Every 1 month
C. Permissible airborne exposure limit for workers removed from work due to an elevated blood lead level (without regard to respirator protection).	100 µg/m 8 hr TWA	50 µg/m 8 hr TWA	30 µg/m 8 hr TWA	30 µg/m 8 hr TWA	30 µg/m 8 hr TWA
D. Blood lead level confirmed with a second blood analysis, at which employee may return to work. Permissible exposure without regard to respirator protection is listed by industry in Table 1.	.60 µg/ 100 g	.50 µg/ 100 g	.40 µg/ 100 g	.40 µg/ 100 g	Less than .40 µg/100 g

NOTE: When medical opinion indicates that an employee is at risk of material impairment from exposure to lead, the physician can remove an employee from exposure at or above the action level (or less) or recommend special protective measures as deemed appropriate and necessary. Medical monitoring during the medical removal period can be more stringent than noted in the table above if the physician so specifies. Return to work or removal of limitations and special protections is permitted when the physician indicates that the worker is no longer at risk of material impairment.

In addition to the above blood lead level criteria, temporary worker removal may also take place as a result of medical determinations and recommendations. Written medical opinions must be prepared after each examination pursuant to the standard. If the examining physician includes a medical finding, determination or opinion that the employee has a medical condition which places the employee at increased risk of material health impairment from exposure to lead, then the employee must be removed from exposure to lead at or above the action level. Alternatively, if the examining physician recommends special protective measures for an employee (e.g., use of a powered air purifying respirator) or recommends limitations on an employee's exposure to lead, then the employer must implement these recommendations. Recommendations may be more stringent than the specific provisions of the standard. The examining physician, therefore, is given broad flexibility to tailor special protective procedures to the needs of individual employees. This flexibility extends to the evaluation and management of pregnant workers and male and female workers who are planning to raise children. Based on the history, physical examination, and laboratory studies, the physician might recommend special protective measures or medical removal for an employee who is pregnant or who is planning to conceive a child when, in the physician's judgment, continued exposure to lead at the current job would pose a significant risk. The return of the employee to his or her former job status, or the removal of special protections or limitations, depends upon the examining physician determining that the employee is no longer at increased risk of material impairment or that special measures are no longer needed.

During the period of any form of special protection or removal, the employer must maintain the worker's earnings, seniority, and other employment rights and benefits (as though the worker had not been removed) for a period of up to 18 months. This economic protection will maximize meaningful worker participation in the medical surveillance program, and is appropriate as part of the employer's overall obligation to provide a safe and healthful workplace. The provisions of MRP benefits during the employee's removal period may, however, be conditioned upon participation in medical surveillance.

On rare occasions, an employee's blood lead level may not acceptably decline within 18 months of removal. This situation will arise only in unusual circumstances, thus the standard relies on an individual medical examination to determine how to protect such an employee. This medical determination is to be based on both laboratory values, including lead levels, zinc protoporphyrin levels, blood counts, and other tests felt to be warranted, as well as the physician's judgment that any symptoms or findings on physical examination are a result of lead toxicity. The medical determination may be that the employee is incapable of ever safely returning to his or her former job status. The medical determination may provide additional removal time past 18 months for some employees or specify special protective measures to be implemented.

The lead standard provides for a multiple physician review in cases where the employee wishes a second opinion concerning potential lead poisoning or toxicity. If an employee wishes a second opinion, he or she can make an appointment with a physician of his or her choice. This second physician will review the findings,

recommendations or determinations of the first physician and conduct any examinations, consultations or tests deemed necessary in an attempt to make a final medical determination. If the first and second physicians do not agree in their assessment they must try to resolve their differences. If they cannot reach an agreement then they must designate a third physician to resolve the dispute.

The employer must provide examining and consulting physicians with the following specific information: a copy of the lead regulations and all appendices, a description of the employee's duties as related to exposure, the exposure level to lead and any other toxic substances (if applicable), a description of personal protective equipment used, blood lead levels, and all prior written medical opinions regarding the employee in the employer's possession or control. The employer must also obtain from the physician and provide the employee with a written medical opinion containing blood lead levels, the physicians's opinion as to whether the employee is at risk of material impairment to health, any recommended protective measures for the employee if further exposure is permitted, as well as any recommended limitations upon an employee's use of respirators.

Employers must instruct each physician not to reveal to the employer in writing or in any other way his or her findings, laboratory results, or diagnoses which are felt to be unrelated to occupational lead exposure. They must also instruct each physician to advise the employee of any occupationally or non-occupationally related medical condition requiring further treatment or evaluation.

The standard provides for the use of respirators where engineering and other primary controls have not been fully implemented. However, the use of respirator protection shall not be used in lieu of temporary medical removal due to elevated blood lead levels or findings that an employee is at risk of material health impairment. This is based on the numerous inadequacies of respirators including skin rash here the facepiece makes contact with the skin, unacceptable stress to breathing in some workers with underlying cardiopulmonary impairment, difficulty in providing adequate fit, the tendency for respirators to create additional hazards by interfering with vision, hearing, and mobility, and the difficulties of assuring the maximum effectiveness of a complicated work practice program involving respirators. Respirators do, however, serve a useful function where engineering and work practice controls are inadequate by providing supplementary, interim, or short-term protection, provided they are properly selected for the environment in which the employee will be working, properly fitted to the employee, maintained and cleaned periodically, and worn by the employee when required.

In its final standard on occupational exposure to inorganic lead, OSHA has prohibited prophylactic chelation. Diagnostic and therapeutic chelation are permitted only under the supervision of a licensed physician with appropriate medical monitoring in an acceptable clinical setting. The decision to initiate chelation therapy must be made on an individual basis and take into account the severity of symptoms felt to be a result of lead toxicity along with blood lead levels, ZPP levels, and other laboratory tests as appropriate. EDTA and penicillamine which are the primary chelating agents used in

the therapy of occupational lead poisoning have significant potential side effects and their use must be justified on the basis of expected benefits to the worker. Unless frank and severe symptoms are present, therapeutic chelation is not recommended given the opportunity to remove a worker from exposure and allow the body to naturally excrete accumulated lead. As a diagnostic aid, the chelation mobilization test using CA-EDTA has limited applicability. According to some investigators, the test can differentiate between lead-induced and other nephropathies. The test may also provide an estimation of the mobile fraction of the total body lead burden.

Employers are required to assure that accurate records are maintained on exposure monitoring, medical surveillance, and medical removal for each employee. Exposure monitoring and medical surveillance records must be kept for 40 years or the duration of employment plus 20 years, whichever is longer, while medical removal records must be maintained for the duration of employment. All records required under the standard must be made available upon request to the Assistant Secretary of Labor for Occupational Safety and Health and the Director of the National Institute for Occupational Safety and Health. Employers must also make environmental and biological monitoring and medical removal records available to affected employees and to former employees or their authorized employee representatives. Employees or their specifically designated representatives have access to their entire medical surveillance records.

In addition, the standard requires that the employer inform all workers exposed to lead at or above the action level of the provisions of the standard and all its appendices, the purpose and description of medical surveillance and provisions for medical removal protection if temporary removal is required. An understanding of the potential health effects of lead exposure by all exposed employees along with full understanding of their rights under the lead standard is essential for an effective monitoring program.

II. Adverse Health Effects of Inorganic Lead

Although the toxicity of lead has been known for 2,000 years, the knowledge of the complex relationship between lead exposure and human response is still being refined. Significant research into the toxic properties of lead continues throughout the world, and it should be anticipated that our understanding of thresholds of effects and margins of safety will be improved in future years. The provisions of the lead standard are founded on two prime medical judgments: first, the prevention of adverse health effects from exposure to lead throughout a working lifetime requires that worker blood lead levels be maintained below 40 µg/100 g and second, the blood lead levels of workers, male or female, who intend to parent in the near future should be maintained below 30 µg/100 g to minimize adverse reproductive health effects to the parents and developing fetus. The adverse effects of lead on reproduction are being actively researched and OSHA encourages the physician to remain abreast of recent developments in the area to best advise pregnant workers or workers planning to conceive children.

The spectrum of health effects caused by lead exposure can be subdivided into five developmental stages: normal, physiological changes of uncertain significance, pathophysiological changes, overt symptoms (morbidity), and mortality. Within this process there are no sharp distinctions, but rather a continuum of effects. Boundaries between categories overlap due to the wide variation of individual responses and exposures in the working population. OSHA's development of the lead standard focused on pathophysiological changes as well as later stages of disease.

1. **Heme Synthesis Inhibition.** The earliest demonstrated effect of lead involves its ability to inhibit at least two enzymes of the heme synthesis pathway at very low blood levels. Inhibition of delta amino-levulinic acid dehydrase (ALA-D) which catalyzes the conversion of delta-aminolevulinic acid (ALA) to protoporphyrin is observed at a blood lead level below 20 µg/100 g whole blood. At a blood lead level of 40 µg/100 g, more than 20% of the population would have 70% inhibition of ALA-D. There is an exponential increase in ALA excretion at blood lead levels greater than 40 µg/100 g.

   Another enzyme, ferrochelatase, is also inhibited at low blood lead levels. Inhibition of ferrochelatase leads to increased free erythrocyte protoporphyrin (FEP) in the blood which can then bind to zinc to yield zinc protoporphyrin. At a blood lead level of 50 µg/100 g or greater, nearly 100% of the population will have an increase in FEP. There is also an exponential relationship between blood lead levels greater than 40 µg/100 g and the associated ZPP level, which has led to the development of the ZPP screening test for lead exposure.

   While the significance of these effects is subject to debate, it is OSHA's position that these enzyme disturbances are early stages of a disease process which may eventually result in the clinical symptoms of lead poisoning. Whether or not the effects do progress to the later stages of clinical disease, disruption of these enzyme processes over a working lifetime is considered to be a material impairment of health.

   One of the eventual results of lead-induced inhibition of enzymes in the heme synthesis pathway is anemia which can be asymptomatic if mild but associated with a wide array of symptoms including dizziness, fatigue, and tachycardia when more severe. Studies have indicated that lead levels as low as 50 µg/100 g can be associated with a definite decreased hemoglobin, although most cases of lead-induced anemia, as well as shortened red-cell survival times, occur at lead levels exceeding 80 µg/100 g. Inhibited hemoglobin synthesis is more common in chronic cases whereas shortened erythrocyte life span is more common in acute cases.

   In lead-induced anemias, there is usually a reticulocytosis along with the presence of basophilic stippling, and ringed sideroblasts, although none of the above are pathognomonic for lead-induced anemia.

2. **Neurological Effects.** Inorganic lead has been found to have toxic effects on both the central and peripheral nervous systems. The earliest stages of lead-induced central nervous system effects first manifest themselves in the form of behavioral disturbances and central nervous system symptoms including irritability, restlessness, insomnia and other sleep disturbances, fatigue, vertigo, headache, poor memory, tremor, depression, and apathy. With more severe exposure, symptoms can progress to drowsiness, stupor, hallucinations, delerium, convulsions and coma.

   The most severe and acute form of lead poisoning which usually follows ingestion or inhalation of large amounts of lead is acute encephalopathy which may arise precipitously with the onset of intractable seizures, coma, cardiorespiratory arrest, and death within 48 hours.

   While there is disagreement about what exposure levels are needed to produce the earliest symptoms, most experts agree that symptoms definitely can occur at blood lead levels of 60 µg/100 g whole blood and therefore recommend a 40 µg/100 g maximum. The central nervous system effects frequently are not reversible following discontinued exposure or chelation therapy and when improvement does occur, it is almost always only partial.

   The peripheral neuropathy resulting from lead exposure characteristically involves only motor function with minimal sensory damage and has a marked predilection for the extensor muscles of the most active extremity. The peripheral neuropathy can occur with varying degrees of severity. The earliest and mildest form which can be detected in workers with blood lead levels as low as 50 µg/100 g is manifested by slowing of motor nerve conduction velocity often without clinical symptoms. With progression of the neuropathy there is development of painless extensor muscle weakness usually involving the extensor muscles of the fingers and hand in the most active upper extremity, followed in severe cases by wrist drop or, much less commonly, foot drop.

   In addition to slowing of nerve conduction, electromyographical studies in patients with blood lead levels greater than 50 µg/100 g have demonstrated a decrease in the number of acting motor unit potentials, an increase in the duration of motor unit potentials, and spontaneous pathological activity including fibrillations and fasciculations. Whether these effects occur at levels of 40 µg/100 g is undetermined.

   While the peripheral neuropathies can occasionally be reversed with therapy, again such recovery is not assured particularly in the more severe neuropathies and often improvement is only partial. The lack of reversibility is felt to be due in part to segmental demyelination.

3. **Gastrointestinal.** Lead may also affect the gastrointestinal system producing abdominal colic or diffuse abdominal pain, constipation, obstipation, diarrhea, anorexia, nausea and vomiting. Lead colic rarely develops at blood lead levels below 80 µg/100 g.

4. **Renal.** Renal toxicity represents one of the most serious health effects of lead poisoning. In the early stages of disease nuclear inclusion bodies can frequently be identified in proximal renal tubular cells. Renal function remains normal and the changes in this stage are probably reversible. With more advanced disease there is progressive interstitial fibrosis and impaired renal function. Eventually extensive interstitial fibrosis ensues with sclerotic glomeruli and dilated and atrophied proximal tubules; all represent end stage kidney disease. Azotemia can be progressive, eventually resulting in frank uremia necessitating dialysis. There is occasionally associated hypertension and hyperuricemia with or without gout.

   Early kidney disease is difficult to detect. The urinalysis is normal in early lead nephropathy and the blood urea nitrogen and serum creatinine increase only when two-thirds of kidney function is lost. Measurement of creatinine clearance can often detect earlier disease as can other methods of measurement of glomerular filtration rate. An abnormal Ca-EDTA mobilization test has been used to differentiate between lead-induced and other nephropathies, but this procedure is not widely accepted. A form of Fanconi syndrome with aminoaciduria, glycosuria, and hyperphosphaturia indicating severe injury to the proximal renal tubules is occasionally seen in children.

5. **Reproductive effects.** Exposure to lead can have serious effects on reproductive function in both males and females. In male workers exposed to lead there can be a decrease in sexual drive, impotence, decreased ability to produce healthy sperm, and sterility. Malformed sperm (teratospermia), decreased number of sperm (hypospermia), and sperm with decreased motility (asthenospermia) can all occur. Teratospermia has been noted at mean blood lead levels of 53 µg/100 g and hypospermia and asthenospermia at 41 µg/100 g. Furthermore, there appears to be a dose-response relationship for teratospermia in lead exposed workers.

   Women exposed to lead may experience menstrual disturbances including dysmenorrhea, menorrhagia and amenorrhea. Following exposure to lead, women have a higher frequency of sterility, premature births, spontaneous miscarriages, and stillbirths.

   Germ cells can be affected by lead and cause genetic damage in the egg or sperm cells before conception and result in failure to implant, miscarriage, stillbirth, or birth defects.

   Infants of mothers with lead poisoning have a higher mortality during the first year and suffer from lowered birth weights, slower growth, and nervous system disorders.

   Lead can pass through the placental barrier and lead levels in the mother's blood are comparable to concentrations of lead in the umbilical cord at birth. Transplacental passage becomes detectable at 12-14 weeks of gestation and increases until birth.

There is little direct data on damage to the fetus from exposure to lead but it is generally assumed that the fetus and newborn would be at least as susceptible to neurological damage as young children. Blood lead levels of 50-60 µg/100 g in children can cause significant neurobehavioral impairments and there is evidence of hyperactivity at blood levels as low as 25 µg/100 g. Given the overall body of literature concerning the adverse health effects of lead in children, OSHA feels that the blood lead level in children should be maintained below 30 µg/100 g with a population mean of 15 µg/100 g. Blood lead levels in the fetus and newborn likewise should not exceed 30 µg/100 g.

Because of lead's ability to pass through the placental barrier and also because of the demonstrated adverse effects of lead on reproductive function in both the male and female as well as the risk of genetic damage of lead on both the ovum and sperm, OSHA recommends a 30 µg/100 g maximum permissible blood lead level in both males and females who wish to bear children.

6. **Other toxic effects.** Debate and research continue on the effects of lead on the human body. Hypertension has frequently been noted in occupationally exposed individuals although it is difficult to assess whether this is due to lead's adverse effects on the kidney or if some other mechanism is involved. Vascular and electrocardiographic changes have been detected but have not been well characterized. Lead is thought to impair thyroid function and interfere with the pituitary-adrenal axis, but again these effects have not been well defined.

III. Medical Evaluation

The most important principle in evaluating a worker for any occupational disease including lead poisoning is a high index of suspicion on the part of the examining physician. As discussed in Section 2, lead can affect numerous organ systems and produce a wide array of signs and symptoms, most of which are non-specific and subtle in nature at least in the early stages of disease. Unless serious concern for lead toxicity is present, many of the early clues to diagnosis may easily be overlooked.

The crucial initial step in the medical evaluation is recognizing that a worker's employment can result in exposure to lead. The worker will frequently be able to define exposures to lead and lead containing materials but often will not volunteer this information unless specifically asked. In other situations the worker may not know of any exposures to lead but the suspicion might be raised on the part of the physician because of the industry or occupation of the worker. Potential occupational exposure to lead and its compounds occur in at least 120 occupations, including lead smelting, the manufacture of lead storage batteries, the manufacture of lead pigments and products containing pigments, solder manufacture, shipbuilding and ship repair, auto manufacturing, construction, and painting.

Once the possibility for lead exposure is raised, the focus can then be directed toward eliciting information from the medical history, physical exam, and finally from laboratory data to evaluate the worker for potential lead toxicity.

A complete and detailed work history is important in the initial evaluation. A listing of all previous employment with information on work processes, exposure to fumes or dust, known exposures to lead or other toxic substances, respiratory protection used, and previous medical surveillance should all be included in the worker's record. Where exposure to lead is suspected, information concerning on-the-job personal hygiene, smoking or eating habits in work areas, laundry procedures, and use of any protective clothing or respiratory protection equipment should be noted. A complete work history is essential in the medical evaluation of a worker with suspected lead toxicity, especially when long term effects such as neurotoxicity and nephrotoxicity are considered.

The medical history is also of fundamental importance and should include a listing of all past and current medical conditions, current medications including proprietary drug intake, previous surgeries and hospitalizations, allergies, smoking history, alcohol consumption, and also non-occupational lead exposures such as hobbies (hunting, riflery). Also known childhood exposures should be elicited. Any previous history of hematological, neurological, gastro-intestinal, renal, psychological, gynecological, genetic, or reproductive problems should be specifically noted.

A careful and complete review of systems must be performed to assess both recognized complaints and subtle or slowly acquired symptoms which the worker might not appreciate as being significant. The review of symptoms should include the following:

General – weight loss, fatigue, decreased appetite.

Head, Eyes, Ears, Nose, Throat (HEENT) – headaches, visual disturbances or decreased visual acuity, hearing deficits or tinnitus, pigmentation of the oral mucosa, or metallic taste in mouth.

Cardio-pulmonary – shortness of breath, cough, chest pains, palpitations, or orthopnea.

Gastrointestinal – nausea, vomiting, heartburn, abdominal pain, constipation or diarrhea.

Neurologic – irritability, insomnia, weakness (fatigue), dizziness, loss of memory, confusion, hallucinations, incoordination, ataxia, decreased strength in hands or feet, disturbances in gait, difficulty in climbing stairs, or seizures.

Hematologic – pallor, easy fatigability, abnormal blood loss, melena.

Reproductive (male and female and spouse where relevant) – history of infertility, impotence, loss of libido, abnormal menstrual periods, history of miscarriages, stillbirths, or children with birth defects.

Musculo-skeletal – muscle and joint pains.

The physical examination should emphasize the neurological, gastrointestinal, and cardiovascular systems. The worker's weight and blood pressure should be recorded and the oral mucosa checked for pigmentation characteristic of a possible Burtonian or lead line on the gingiva. It should be noted, however, that the lead line may not be present even in severe lead poisoning if good oral hygiene is practiced.

The presence of pallor on skin examination may indicate an anemia, which if severe might also be associated with a tachycardia. If an anemia is suspected, an active search for blood loss should be undertaken including potential blood loss through the gastrointestinal tract.

A complete neurological examination should include an adequate mental status evaluation including a search for behavioral and psychological disturbances, memory testing, evaluation for irritability, insomnia, hallucinations, and mental clouding. Gait and coordination should be examined along with close observation for tremor. A detailed evaluation of peripheral nerve function including careful sensory and motor function testing is warranted. Strength testing particularly of extensor muscle groups of all extremities is of fundamental importance.

Cranial nerve evaluation should also be included in the routine examination.

The abdominal examination should include auscultation for bowel sounds and abdominal bruits and palpation for organomegaly, masses, and diffuse abdominal tenderness.

Cardiovascular examination should evaluate possible early signs of congestive heart failure. Pulmonary status should be addressed particularly if respirator protection is contemplated.

As part of the medical evaluation, the lead standard requires the following laboratory studies:

1. Blood lead level
2. Hemoglobin and hematocrit determinations, red cell indices, and examination of the peripheral blood smear to evaluate red blood cell morphology
3. Blood urea nitrogen
4. Serum creatinine
5. Routine urinalysis with microscopic examination.
6. A zinc protoporphyrin level.

In addition to the above, the physician is authorized to order any further laboratory or other tests which he or she deems necessary in accordance with sound medical practice. The evaluation must also include pregnancy testing or laboratory evaluation of male fertility if requested by the employee.

Additional tests which are probably not warranted on a routine basis but may be appropriate when blood lead and ZPP levels are equivocal include delta aminolevulinic acid and coproporphyrin concentrations in the urine, and dark-field illumination for detection of basophilic stippling in red blood cells.

If an anemia is detected further studies including a careful examination of the periheral smear, reticulocyte count, stool for occult blood, serum iron, total iron binding capacity, bilirubin, and, if appropriate, vitamin B12 and folate may be of value in attempting to identify the cause of the anemia.

If a peripheral neuropathy is suspected, nerve conduction studies are warranted both for diagnosis and as a basis to monitor any therapy.

If renal disease is questioned, a 24 hour urine collection for creatinine clearance, protein, and electrolytes may be indicated. Elevated uric acid levels may result from lead-induced renal disease and a serum uric acid level might be performed.

An electrocardiogram and chest x-ray may be obtained as deemed appropriate.

Sophisticated and highly specialized testing should not be done routinely and where indicated should be under the direction of a specialist.

IV. Laboratory Evaluation

The blood lead level at present remains the single most important test to monitor lead exposure and is the test used in the medical surveillance program under the lead standard to guide employee medical removal. The ZPP has several advantages over the blood lead level. Because of its relatively recent development and the lack of extensive data concerning its interpretation, the ZPP currently remains an ancillary test.

This section will discuss the blood lead level and ZPP in detail and will outline their relative advantages and disadvantages. Other blood tests currently available to evaluate lead exposure will also be reviewed.

The blood lead level is a good index of current or recent lead absorption when there is no anemia present and when the worker has not taken any chelating agents. However, blood lead levels along with urinary lead levels do not necessarily indicate the total body burden of lead and are not adequate measures of past exposure. One reason for this is that lead has a high affinity for bone and up to 90% of the body's total lead is deposited there. A very important component of the total lead body burden is lead in soft tissue (liver, kidney, and brain). This fraction of the lead body burden, the biologically active lead, is not entirely reflected by blood lead levels since it is a function of the dynamics of lead absorption, distribution, deposition in bone and excretion. Following discontinuation of exposure to lead, the excess body burden is only slowly mobilized from bone and other relatively stable body stores and excreted. Consequently, a high blood lead level may only represent recent heavy exposure to lead without a significant total body excess and likewise a low blood lead level does not exclude an elevated total body burden of lead.

Also due to its correlation with recent exposures, the blood lead level may vary considerably over short time intervals.

To minimize laboratory error and erroneous results due to contamination, blood specimens must be carefully collected after thorough cleaning of the skin with appropriate methods using lead-free blood containers and analyzed by a reliable laboratory. Under the standard, samples must be analyzed in laboratories which are approved by the Center for Disease Control (CDC) or which have received satisfactory grades in proficiency testing by the CDC in the previous year. Analysis is to be made using atomic absorption spectrophotometry, anodic stripping voltammetry or any method which meets the accuracy requirements set forth by the standard.

The determination of lead in urine is generally considered a less reliable monitoring technique than analysis of whole blood primarily due to individual variability in urinary excretion capacity as well as the technical difficulty of obtaining accurate 24 hour urine collections. In addition, workers with renal insufficiency, whether due to lead or some other cause, may have decreased lead clearance and consequently urine lead levels may underestimate the true lead burden. Therefore, urine lead levels should not be used as a routine test.

The zinc protoporphyrin test, unlike the blood lead determination, measures an adverse metabolic effect of lead and as such is a better indicator of lead toxicity than the level of blood lead itself. The level of ZPP reflects lead absorption over the preceding 3 to 4 months, and therefore is a better indicator of lead body burden. The ZPP requires more time than the blood lead to read significantly elevated levels; the return to normal after discontinuing lead exposure is also slower. Furthermore, the ZPP test is simpler, faster, and less expensive to perform and no contamination is possible. Many investigators believe it is the most reliable means of monitoring chronic lead absorption.

Zinc protoporphyrin results from the inhibition of the enzyme ferrochelatase which catalyzes the insertion of an iron molecule into the protoporphyrin molecule, which then becomes heme. If iron is not inserted into the molecule then zinc, having a greater affinity for protoporphyrin, takes the place of the iron, forming ZPP.

An elevation in the level of circulating ZPP may occur at blood lead levels as low as 20-30 µg/100 g in some workers. Once the blood lead level has reached 40 µg/100 g there is more marked rise in the ZPP value from its normal range of less than 100 µg/ 100 ml. Increases in blood lead levels beyond 40 µg/100 g are associated with exponential increases in ZPP.

Whereas blood lead levels fluctuate over short time spans, ZPP levels remain relatively stable. ZPP is measured directly in red blood cells and is present for the cell's entire 120 day life-span. Therefore, the ZPP level in blood reflects the average ZPP production over the previous 3-4 months and consequently the average lead exposure during that time interval.

It is recommended that a hematocrit be determined whenever a confirmed ZPP of 50 µg/100 ml whole blood is obtained to rule out a significant underlying anemia. If the ZPP is in excess of 100 µg/100 ml and not associated with abnormal elevations in blood lead levels, the laboratory should be checked to be sure that blood leads were determined using atomic absorption spectrophotometry, anodic stripping voltammetry, or any method which meets the accuracy requirements set forth by the standard by a CDC approved laboratory which is experienced in lead level determinations. Repeat periodic blood lead studies should be obtained in all individuals with elevated ZPP levels to be certain that an associated elevated blood lead level has not been missed due to transient fluctuations in blood leads.

ZPP has a characteristic fluorescence spectrum with a peak at 594 nm which is detectable with a hematofluorimeter. The hemato-fluorimeter is accurate and portable and can provide on-site, instantaneous results for workers who can be frequently tested via a finger prick.

However, careful attention must be given to calibration and quality control procedures. Limited data on blood lead-ZPP correlations and the ZPP levels which are associated with the adverse health effects discussed in Section 2 are the major limitations of the test. Also it is difficult to correlate ZPP levels with environmental exposure and there is some variation of response with age and sex. Nevertheless, the ZPP promises to be an important diagnostic test for the early detection of lead toxicity and its value will increase as more data is collected regarding its relationship to other manifestations of lead poisoning.

Levels of delta-aminolevulinic acid (ALA) in the urine are also used as a measure of lead exposure. Increasing concentrations of ALA are believed to result from the inhibition of the enzyme delta-aminolevulinic acid dehydrase (ALA-D). Although the test is relatively easy to perform, inexpensive, and rapid, the disadvantages include variability in results, the necessity to collect a complete 24 hour urine sample which has a specific gravity greater than 1.010, and also the fact that ALA decomposes in the presence of light.

The pattern of porphyrin excretion in the urine can also be helpful in identifying lead intoxication. With lead poisoning, the urine concentrations of coproporphyrins I and II, porphobilinogen and uroporphyrin I rise. The most important increase, however, is that of coproporphyrin III; levels may exceed 5,000 µg/1 in the urine in lead poisoned individuals, but its correlation with blood lead levels and ZPP are not as good as those of ALA. Increases in urinary porphyrins are not diagnostic of lead toxicity and may be seen in porphyria, some liver diseases, and in patients with high reticulocyte counts.

Summary. The Occupational Safety and Health Administration's standard for inorganic lead places significant emphasis on the medical surveillance of all workers exposed to levels of inorganic lead at or above the action level of 30 µg/m^3 TWA. The physician has a fundamental role in this surveillance program, and in the operation of the medical removal protection program.

Even with adequate worker education on the adverse health effects of lead and appropriate training in work practices, personal hygiene and other control measures, the physician has a primary responsibility for evaluating potential lead toxicity in the worker. It is only through a careful and detailed medical and work history, a complete physical examination and appropriate laboratory testing that an accurate assessment can be made. Many of the adverse health effects of lead toxicity are either irreversible or only partially reversible and therefore early detection of disease is very important.

This document outlines the medical monitoring program as defined by the occupational safety and health standard for inorganic lead. It reviews the adverse health effects of lead poisoning and describes the important elements of the history and physical examinations as they relate to these adverse effects. Finally, the appropriate laboratory testing for evaluating lead exposure and toxicity is presented.

It is hoped that this review and discussion will give the physician a better understanding of the OSHA standard with the ultimate goal of protecting the health and well-being of the worker exposed to lead under his or her care.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 11-1989, f. 7/14/89, ef. 8/14/89.
OR-OSHA Admin. Order 13-1991, f. 10/10/91, ef. 10/10/91.
OR-OSHA Admin. Order 4-1996, f. 9/13/96, ef. 9/13/96.
OR-OSHA Admin. Order 1-2012, f. 4/10/12, ef. 4/10/12.

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14.1 Evidence Property Control Policy and Procedures.pdf

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APPENDIX 936A.pdf

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APPENDIX 936A

Gresham Police Department

CITIZEN COMMENT FORM

Do you want this information to remain confidential? Yes___ No ____ Today's Date _____

Your Name _____ Home Phone _____ Message Phone _____

Your Address _____ City _____ Zip _____

Date of Incident and/or action _____ Location where it occurred _____ Time of Occurrence _____

Name of Witness #1 _____ Phone _____

Address _____

Name of Witness #2 _____ Phone _____

Address _____

Was someone arrested? Yes _____ No ____ Name _____ Phone _____

Address _____

Was a Gresham Police Officer Involved? Yes ____ No _____ Name _____ Badge # _____

Name _____ Badge # _____

Details of ❑ Commendation ❑ Comment ❑ Complaint

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(Use Additional Sheet of Paper if Necessary)

I certify the above statement is true and accurate.

_____

Your Signature Date

EOC Org Chart.pdf

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mediacoverage.pdf

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"LIVE COVERAGE AGREEMENT"

What is it? - History

In 1998, a Portland Police Officer was shot and killed while making entry into a Southeast Portland home. Immediately after the shooting, Special Emergency Reaction Team (SERT) tactical officers and additional police personnel responded to the scene where the shooting suspect was believed to remain inside the home. At the same time, local news media and their helicopters descended on the neighborhood. Television and radio news stations broke into local programming and continuously covered the standoff between police and the shooting suspect. The live news coverage placed officers at risk by showing and communicating their tactical positions that may have been seen or heard by the shooting suspect. This incident was the basis for post-incident meetings between local law enforcement and media that led to what is now referred to as the "Live Coverage Agreement."

The "Live Coverage Agreement" is a voluntary agreement between law enforcement and the media. With the realization that there are times when live coverage of tactical situations could place officers and the public at great risk, the "Live Coverage Agreement" also provides media with another venue to obtain images of tactical situations if the use of helicopters and live media coverage compromises officer safety.

What has changed since the original "Live Coverage Agreement" was developed?

Since the development of the initial agreement, law enforcement and media have met to address any concerns that have arisen during coverage of tactical operation incidents. For the first several years, the main focus was on media response, live coverage, and how involved law enforcement agencies worked with the media. During the last few years, the rapid development of new technology used by media and the public tied to the rise in popularity of social media has raised new concerns for officer safety and live media coverage of tactical operations.

How does the current "Live Coverage Agreement" work?

The "Live Coverage Agreement" can be invoked by any law enforcement representative at the scene of a police tactical operation. However, because it requires action on the part of both law enforcement and the media, the agreement should only be invoked when actually needed.

Law enforcement may invoke the agreement via dispatch or directly to a newsroom. **In a critical situation, email should not be used and direct phone contact should be made.** When requesting to invoke the agreement, the requesting agency should document the date, time, and media organization(s)/person(s) contacted.

If a law enforcement jurisdiction invokes the "Live Coverage Agreement":

- Media helicopters should maintain at least 1,000 feet in altitude and one mile out from the tactical scene location to prevent possible interference and/or noise problems. If a

greater distance is required, the lead law enforcement jurisdiction should communicate any distance change via dispatch or phone directly to the news rooms.

- Acknowledging that moving helicopters out of an area limits the media's ability to obtain usable images, law enforcement should attempt to provide a safe vantage point for a pool camera. The lead on-scene law enforcement media contact or Public Information Officer (PIO) should be available as the liaison between Incident Command and media to help facilitate a pool camera and accurate incident information release. The placement of a pool camera inside an established response perimeter should be done in consultation with the police tactical team while not placing law enforcement personnel or media at risk.

- Media organizations are asked to refrain from showing images or providing information related to any tactical positioning or movement associated with a live scene while the incident is unfolding. This includes images and information directly obtained by media, along with what may be provided to the media by the public through smartphone photos/video and on-air descriptions during live interviews.

What about Social Media?

Media are asked to refrain from providing tactical information and images via social media during active tactical incidents. "General" scene images are ok but any images that show tactical movements, hiding places or images that otherwise could jeopardize victims and/or police should not be shared.

- This would include sharing and/or "re-Tweeting" of information from non-media sources in the public that might have the same sensitive tactical or safety information.

Considerations for placing a Pool Camera?

Placement of a pool camera should be done in consultation with the Incident Commander and Tactical Commander. Each participating jurisdiction has some latitude on pool camera placement because each situation is different. However, it is important to remember and plan for the media's request for a pool camera location soon after a jurisdiction invokes the agreement. A designated law enforcement media contact or PIO at the scene is strongly recommended to help coordinate communications with staged media representatives.

What if there are disputes?

Each tactical law enforcement response is unique and some may involve agencies and/or media representatives with little experience working together during these tense situations. When this agreement was developed there was an understanding that law enforcement should not be expected to justify each decision with the media during an active incident. When possible, and at the appropriate time, law enforcement agencies should be willing to justify and explain their reasoning for invoking the "Live Coverage Agreement", including why media is being moved out of an area.

Am I required to follow this agreement?

This is a voluntary agreement. Each law enforcement agency is responsible for their actions. However, some jurisdictions have found the agreement brings consistency to what are frequently difficult and chaotic situations.

Should the agreement be invoked at every critical incident?

No. Most law enforcement jurisdictions make this decision on a case-by-case basis. If invoked, law enforcement must remember that media will ask for a better vantage point for a pool camera. If the presence of media helicopters does not impact your incident response and/or investigation, most jurisdictions do not invoke the agreement. But, with the current popularity of social media and potential impacts of showing and reporting images and incident tactical information, law enforcement and the media should continually evaluate the potential conflict and impact that online and on-air reporting may have that could lead to invoking the agreement.

Appendix 14 1A.pdf

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APPENDIX 14.1A

I. ALL CURRENCY

A.. All currency must be enclosed in a money envelope (Appendix 14.1E). The appropriate blocks must be filled out (including verification by a second officer), evidence tape sealed and initialed.

B. All currency shall be counted, sealed and the package will bear two signatures (the submitting person's and a second officer's), indicating that both officers concur with the package contents.

C. Large amounts of currency shall be sealed and documented in the same manner as above, but will be deposited as soon as practicable with the City's designated financial institution, unless it must be retained in it's original state as evidence.

II. NARCOTICS

A. All narcotics evidence (except marijuana) will be placed in a plastic evidence bag and heat sealed. This bag will be placed inside the narcotics envelope (Appendix 14.1F). The Narcotics envelope will be sealed with red EVIDENCE tape, initialed and dated on both the envelope and the tape. If the narcotics evidence is too large for a narcotics envelope, the narcotics will be placed in the appropriate packaging and a narcotics sticker (Appendix 14.1G) will be placed on the outside.

B. Marijuana will be packaged directly into the paper Narcotics envelope, will be sealed with red EVIDENCE tape, initialed and dated on both the envelope and the tape. If the marijuana evidence is too large for a narcotics envelope, the marijuana will be placed in the appropriate packaging and a narcotics sticker (Appendix 14.1G) will be placed on the outside.

III. FIREARMS

A. All firearms must be rendered safe before tagging or packaging in the appropriate box or container. The property tag or label should have the appropriate blocks filled in and be affixed to the firearm, box, or other container. If utilizing a firearms box or other container, they must be sealed with red evidence tape and initialed. The safety check stamp must also be filled out by the submitting officer.

B. All discernable markings (i.e. model number, serial number, manufacturer and importer) on the firearm must be recorded on the accompanying property in custody report.

IV. COLLECTION OF EVIDENCE IN OPEN CONTAINER CASES – ORS 487.841 (*NOTE: **487.841**- Formerly 483.785; 1977 c.882 §64; repealed by 1983 c.338 §978)* MINOR IN POSSESSION CASES – ORS 471.430

A. In view of current rulings by the Oregon Court of Appeals and recommendations from the District Attorney's Office, the below guidelines will be followed in cases dealing with the collection of physical evidence in Minor In Possession and Open Container cases.

1. Where single containers are involved with either charge, the suspect should be asked if he knows the contents are alcoholic beverage; if his response is "yes", the contents may then be emptied on the street and the container left with the suspect <u>if the suspect consents to that form of destruction.</u>

2. In cases involving Minor In Possession, when there are multiple containers such as a "six-pack", case of beer, or a keg, all should be confiscated and destruction will be accomplished by the Police Technician in the property room in accordance with the ordinance requirements.

3. Members should note that in Open Container cases involving adults, only in containers that are <u>open</u>, will the contents be destroyed or confiscated. All other closed or sealed containers are legal for adults to possess in the vehicle.

4. This procedure applies <u>only</u> to Open Container and Minor In Possession cases. If other <u>criminal</u> charges are involved and the alcoholic beverage container is evidence in the crime (such as DUII, Negligent Homicide, etc.) the container and contents must be processed as any other evidence.

19 1 2 SO Evidence_Property Retention Schedule.pdf

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Gresham Police Department
SPECIAL ORDER

Chapter	Effective Date	Responsible Division	No. of Pages
1201	**May 15, 2019**	**Investigations**	**Page 1 of 2**

Subject	
EVIDENCE/PROPERTY RETENTION SCHEDULE	
Reference or Special Instruction **ORS 98.005, 98.245,131.125, 133.705 to 133.717**	OAA Standard(s)

14.1.2.1 PROPERTY/EVIDENCE RETENTION SCHEDULE

OFFENSE	RETENTION
Aggravated Murder, Murder, Attempted Murder, Conspiracy or Solicitation to commit Aggravated Murder or Murder, or any degree of Manslaughter	Indefinitely
Sexual Felonies: If the victim at the time of the crime was under 18 years of age. 1st and 2nd Degree Rape, Sodomy, Unlawful Sexual Penetration or Sexual Abuse; 3rd Degree Rape or Sodomy; Criminal Mistreatment I, Strangulation ORS 163.187(4) Domestic, Using Child in Display of Sexual Conduct, Encouraging Child Sex Abuse I, Incest, Promoting and/or Compelling Prostitution, Luring a minor under ORS 167.057	Maintain until victim reaches 30 years of age or 12 years and 1 day after the offense is reported, whichever occurs first. *****If suspect identified by DNA then Indefinitely*****
Sexual Felonies: 2nd and 3rd Degree Rape or Sodomy; 2nd Degree Unlawful Sexual Penetration or Sexual Abuse; Criminal Mistreatment I, Strangulation ORS 163.187(4) Domestic, Using Child in Display of Sexual Conduct, Encouraging Child Sex Abuse I, Incest, Promoting and/or Compelling Prostitution, Luring a minor under ORS 167.057	6 years and 1 day *****If suspect identified by DNA then 25 years*****
Sex Crimes Misdemeanors: If the victim was under 18 at the time of the crime. Exhibiting an Obscene Performance to minors, Displaying Obscene materials to minors, Sex Abuse III and Strangulation	Maintain until victim reaches 22 years of age or within 4 years and 1 day after the offense is reported, whichever occurs first. In all other cases, maintain for 4 years and 1 day.
Arson in any degree	6 years and 1 day

Felonies: If victim is 65+ Theft 1, Aggravated Theft I, Theft by Extortion, Robbery I, II, III, Forgery I, Fraudulent Use of a Credit Card and Identity Theft	6 years and 1 day
Felonies: Burglary, Theft I, Theft II, Robbery, Assault I, II, III, UUV and Forgery I	3 years and 1 day
Misdemeanors: Assault IV, Theft II, III, Vandalism, Animal Abuse/Neglect, Forgery II and Menacing	2 years and 1 day
Violations: Careless Driving, Traffic Infractions, PCS<Oz	6 months and 1 day
Found Property	60 days; if criminal investigation or prosecution, 60 days after conclusion thereof.
Safekeeping Property	60 days
Unclaimed/Abandoned Property	30 days from date deemed abandoned.

*Biological Evidence shall be preserved in accordance with ORS 133.705 to ORS 133.717.

Robin Sells
Chief of Police

Appendix 14 1E money_env.jpg

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TRADE TIME AUTHORIZATION FORM.pdf

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GRESHAM POLICE DEPARTMENT

TRADE-TIME AUTHORIZATION FORM

_____**Will Trade With**_____

Name #1 **DPSST #** **Name #2** **DPSST #**

Name/Position (#1)_____

Work Date **Work Hours** **TOTAL**

_____

Off Date **Off Hours** **TOTAL**

Name/Position (#2)_____

Work Date **Work Hours** **TOTAL**

_____

Off Date **Off hours** **TOTAL**

Reason/Comment:_____

_____

_____

(Based on Policy Criteria)

Trades must be approved by the affected shift supervisors and must be arranged 48 hours prior to the shift being traded.

Signature of Person Trading: _____

Signature of Person Accepting Trade: _____

Supervisor(s) Approval/Disapproval: _____

Approval / Disapproval

_____

Approval / Disapproval

Section Commander: _____

If disapproved, supervisor(s) will distribute white & pink copies to requesting members and remaining two copies reflecting disapproval to payroll.

Reason/Comments_____

_____

(Based on Policy Criteria)

DREForm49.pdf

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OREGON STATE POLICE

FORENSIC SERVICES REQUEST

☐ Crime Laboratory
☐ Latent Prints
☐ Question Documents

Evidence Receipt

Laboratory Case #

☐ New Case ☐ ADDITIONAL EVIDENCE TO THE LAB ☐ ADDITIONAL SUSPECT(S) INFO

*****IF RUSH CASE INDICATE REASON AND DATE DUE*****

Agency Name	County of Venue	Date Occurred	NCIC #	Agency Case #
Gresham Police	**Multnomah**			**03-**

Incident Type(S) (Offense)	Breath Test Given
Other	☐ Yes ☐ No

☐	V	☐	Dec	Last Name	First	Middle	Race	Sex	DOB	SID #
☐	Su	☐	Me							
☐	V	☐	Dec	Last Name	First	Middle	Race	Sex	DOB	SID #
☐	Su	☐	Me							
☐	V	☐	Dec	Last Name	First	Middle	Race	Sex	DOB	SID #
☐	Su	☐	Me							
☐	V	☐	Dec	Last Name	First	Middle	Race	Sex	DOB	SID #
☐	Su	☐	Me							
☐	V	☐	Dec	Last Name	First	Middle	Race	Sex	DOB	SID #
☐	Su	☐	Me							

Signature of Investigating Officer	Printed Name of Investigating Officer Comm #	Phone Number of Investigating Officer

Lab Exhibit #	Agency Exhibit #	Signature of Submitting Officer	Printed Name of Submitting Officer Comm #	Date

		Description of Evidence Please associate evidence to the appropriate individual	Examination Requested
		URINE	**DRE OFFICER NAME:**
		DRE EVALUATION:	**DRE OFFICER AGENCY: Gresham Police**
		[] STIMULANTS **List:**	
		[] NARCOTICS **List:**	
		[] DEPRESSANTS **List:**	**Breath Test YES [] _____% NO []**
		[] MJ	**MARK ALL THAT APPLY:**
		[] HALLUCINOGINS **List:**	**[] CONFIRM DRE EVALUATION FOR CONTROLLED SUBSTANCE**
		[] PCP	**[] CONFIRM DRE EVALUATION FOR MEDICATIONS**
		[] INHALANTS **List:**	
		[] OTHER **List:**	

Lab Use Only

Lab Exhibit #	Laboratory Employee	Released to:	Date

OFFICER'S REPORT REQUESTED ON ALL PHYSICAL EVIDENCE CASES

Appendix 14 1F narc_env.jpg

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AMBER ALERT CHECKLIST.pdf

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City of Gresham

Police Department

AMBER ALERT CRITERIA CHECKLIST

CASE NUMBER	CONNECT CASE NUMBER	INCIDENT NUMBER	DATE

The alert must contain a description of the **child** and the **suspect or suspect vehicle**, as well as **details of the abduction**. Law enforcement should carefully consider not activating the plan if there is not specific information for the public to use to assist in the recovery. **Do not use amber alert for runaways or parental abductions unless the child is in danger of serious bodily harm or death**.

1. **Do you have cause to believe a child has been ABDUCTED?**

   ☐ **If YES, go to Question 2. (CONTACT SUPERVISOR)**

   ☐ **If NO, DO NOT ACTIVATE the Amber Alert.**

2. **Is the abduction one in which the child victim is 17 years of age or younger?**

   ☐ **If YES, Answer Question 3. (CONTACT SUPERVISOR)**

   ☐ **If NO, DO NOT ACTIVATE the Amber Alert.**

3. **Is the abduction one in which the child victim has a proven mental or physical disability?**

   ☐ **If YES, Answer Question 6.**

   ☐ **If NO, Answer Question 4.**

4. **Was the child abduction witnessed by anyone?**

   ☐ **If YES, Answer Question 6.**

   ☐ **If NO, Answer Question 5.**

5. **Did the child abduction involve acts of violence?**

   ☐ **If YES, Contact supervisor regarding activation of Amber Alert.**

   ☐ **If NO, Answer Question 6.**

6. **Do you believe the child to be in danger of serious bodily harm or death?**

   ☐ **If YES, Contact supervisor regarding activation of Amber Alert.**

   ☐ **If NO, DO NOT ACTIVATE the Amber Alert.**

****

INSTRUCTIONS FOR ACTIVATION OF AMBER ALERT

- ☐ **Does incident fit criteria for an Amber Alert?**
- ☐ **Obtain supervisor approval for activation of Amber Alert**
- ☐ **Notify PIO of intent to send out an alert**
- ☐ **Notify investigations and administration**

Reporting Officer	DPSST	Assn.	Shift	Grid	Approved

APPENDIX 934B.pdf

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APPENDIX 934B

GRESHAM POLICE DEPARTMENT
Internal Affairs Investigation – Disposition Report

Reference _____ Date _____

Complainant _____

Member Involved _____

Item 1: _____

Item 2: _____

Findings:

Action Taken Relative to Complaint:

Robin Sells
Chief of Police

cc:

Officer Performance Evaluation 12-08-16.pdf

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Gresham Police Department – Officer Performance Evaluation

End of Rotation Performance Rating		
Name (Last, First MI)	**Classification**	**Division**
Review Date	**Review Period From**	**Review Period To**

Supervisor:			
Review Type:	**Performance Review**	**If Special, describe:**	
Rating Value:	**1 - Unsatisfactory 2 - Needs Improvement 3 - Meets Standards 4 - Exceeds Standards 5 - Outstanding**		

Individual Performance Ratings					
	Rating		Rating		Rating
Attendance	3	Attitude Towards Job	3	Analytical Skills	3
Officer Safety	3	Personal Accountability	3	Report Writing Skills	3
Self-Initiated Activity	3	Acceptance of Feedback	3	Communication Skills	3
Field Performance: Stress Conditions	3	Knowledge of Criminal Code	3	Problem Solve/Decision Making	3
Field Performance: Work Quality	3	Knowledge of Dept. Policy	3	Knowledge of Vehicle Code	3

Performance Ratings In Team Settings					
	Rating		Rating		Rating
Relationship with others/Internal	3	Leadership	3	Willing to Work in a Team	3
Relationship with others/External	3	Strives to Meet Team Goals	3	Problem Solve/Decision Making	3

Comments

Signature of supervisor: _____ Date:

Employee reviewed: ☐ I agree ☐ I disagree with the information above.

Employee remarks: ☐ I would like to discuss this evaluation with a supervisor

Signature of employee: _____ Date:

Gresham Police Department – Performance Evaluation

To Be Completed By Employee					
Select Your Career Interests For the Next Year					
EDU	☐	Patrol/Operations	☐	Leadership/Promotion	☐
HNT	☐	Investigations Unit	☐	Field Training Officer	☐
EMGET	☐	Child Abuse Team	☐	Recruiting/Interview Panels	☐
Canine Unit	☐	School Resource Unit	☐	EVOC Program	☐
Traffic Unit	☐	Vehicular Crimes Team	☐	Firearms Program	☐
East Metro SWAT Team	☐	Special Enforcement Team	☐	Defensive Tactics Program	☐
Hostage Negotiation Team	☐	Honor Guard	☐	Neighborhood Response Team	☐
Transit Division	☐	Police Cadets Advisor	☐	Critical Incident Support Team	☐

Additional comments or goals

Performance Review Completion					
Exemplary Performance Commendation	**N/A**	**Regular Status**	**N/A**	**Merit Step Increase**	**N/A**
Continue with Promotion/ Transfer Request	**N/A**	**Continue to Monitor**	**N/A**	**Initiate Special Review/ Work Plan**	**N/A**
Forward Copy To:					

Watch Commander:	

Comments

Signature: Date:

Chief:	**Robin Sells**

Comments

Signature: Date:

Appendix 1217.A.pdf

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APPENDIX 1217.A

CITY OF GRESHAM
1333 NW EASTMAN PARKWAY
GRESHAM, OREGON 97030-3813

VALIDATION OF REPORTED STOLEN PROPERTY

November 25, 2019

NOTICE: RESPONSE TO THIS LETTER IS REQUIRED BY: November XX, 2019

LESTER L. LONG
1920 SE HALE AV
GRESHAM, OR 97080

Case number C93-005494

As the result of information provided by you for the above case, the Gresham Police Department entered into the National Crime Information Center (NCIC) and the Oregon Law Enforcement Data System (LEDS) the property described on the enclosed page. In order to comply with the retention requirements of NCIC and LEDS, we must have, in the file, periodic confirmation that the property is still missing. We have been notified by the computer system that confirmation on the status of the property is required at this time.

Please indicate the status of each item on the enclosed page and return the list in the enclosed postage paid envelope. Please do not report additional property loss on the property list. If you have information regarding further loss, please call the Records Section at (503) 618-2318.

IF ANY OF THE LISTED ITEMS HAVE BEEN RECOVERED, PLEASE INDICATE ON THE LIST THE LOCATION, DATE AND CIRCUMSTANCES OF RECOVERY.

If we do not receive the completed enclosed listing by the above date the listed items will be removed from the state and national computer systems. The removal of the item/s will greatly decrease the possibility of recovery.

Sincerely,

Robin Sells
Chief of Police

BY:

_____
Records Clerk

cc: Case File
enc. Property List
Return Envelope

PROPERTY LIST
C93-005494

Property #1
Brand: RUGER **Model: SP101** **Serial Number: 57013822**

☐ **Still Missing**
☐ **Recovered**

Property #2
Brand: RUGER **Model: SP101** **Serial Number: 57013823**

☐ **Still Missing**
☐ **Recovered**

Property #3
Brand: TAURUS **Model: SEMI AUTO** **Serial Number: L00545**

☐ **Still Missing**
☐ **Recovered**

Signature of Person Responding **Date**

APPENDIX 1217.A

CITY OF GRESHAM
1333 NW EASTMAN PARKWAY
GRESHAM, OREGON 97030-3813

VALIDATION OF REPORTED STOLEN VEHICLE

November 25, 2019

NOTICE: RESPONSE TO THIS LETTER IS REQUIRED BY: November XX, 2019

LESTER L. LONG
1920 SE HALE AV
GRESHAM, OR 97080

Veh Lic #: GQP104
Veh Make/Model: TOYT TER
Veh ID #: JT2AL22G4B2237446

Case number C93-005790

As the result of information provided by you for the above case, the Gresham Police Department entered into the National Crime Information Center (NCIC) and the Oregon Law Enforcement Data System (LEDS) the described vehicle. In order to comply with the retention requirements of NCIC and LEDS we must have, in the file, periodic confirmation that the vehicle is still missing. We have been notified by the computer system that confirmation on the status of the vehicle is required at this time.

Please indicate the status of the vehicle and return this notice in the enclosed postage paid envelope.

The above-described vehicle ☐ **is still missing**
☐ **has been recovered**

If the vehicle has been recovered, please indicate on the reverse side of this letter the location, date, and circumstances of recovery.

If we do not receive this return letter by the above date the vehicle will be removed from the state and national computer systems. The removal of the entry will greatly decrease the possibility of recovery.

Sincerely,

Robin Sells
Chief of Police

By:

_____
Police Records Clerk

cc: Case File
enc: Return Envelope

A. APPENDIX 1217.A

CITY OF GRESHAM
1333 NW EASTMAN PARKWAY
GRESHAM, OREGON 97030-3813

VALIDATION OF REPORTED MISSING PERSON

November 25, 2019
NOTICE: RESPONSE TO THIS LETTER IS REQUIRED BY: November XX, 2019

LISA RAE HARMON
2400 NE Red Sunset Dr #G-128
GRESHAM, OR 97030

Case number C93-003795

As the result of information provided by you for the above case, the Gresham Police Department entered into the National Crime Information Center (NCIC) and the Oregon Law Enforcement Data System (LEDS) the name and description of: JOSEPH MICHAEL HARMAN

In order to comply with the retention requirements of NCIC and LEDS we must have, in the file, periodic confirmation that JOSEPH MICHAEL HARMAN is still missing. We have been advised by LEDS/NCIC that confirmation on the status of this person is required at this time.

Please indicate the status of the person and return this notice in the enclosed postage paid envelope.

JOSEPH MICHAEL HARMAN ☐ **is still missing**
☐ **has been located**

If the person has been located, please indicate on the reverse side of this letter the date of contact and circumstances.

If we do not receive this return letter by the above date the individual may be removed from the state and national computer systems. The removal of the entry will greatly decrease the possibility of locating JOSEPH MICHAEL HARMAN.

Sincerely,

Robin Sells
Chief of Police

By:

_____
Police Records Clerk

cc: Case File
enc: Return Envelope

DRE Rolling Log.020116.pdf

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OREGON DRUG EVALUATION & CLASSIFICATION PROGRAM

DRE Rolling Log

OFFICER'S NAME
GRESHAM POLICE DEPARTMENT
1333 NW EASTMAN PARKWAY
GRESHAM, OR 97030

07/06/2016

OREGON DRUG EVALUATION & CLASSIFICATION PROGRAM

DRE ROLLING LOG

NAME: OFFICER'S NAME

DRE # 00001

EVAL#	SUSPECT	EVAL DATE	DRE OPINION	LAB RESULT	COMMENTS	CASE #

OREGON DRUG EVALUATION & CLASSIFICATION PROGRAM

DRE ROLLING LOG

NAME: OFFICER'S NAME

DRE # 00001

EVAL#	SUSPECT	EVAL DATE	DRE OPINION	LAB RESULT	COMMENTS	CASE #

APPENDIX 1216A.pdf

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APPENDIX 1216A

TOW INFORMATION FORM

PRIVATE PROPERTY IMPOUND (PPI) _____ REPOSSESSION (REPO)_____

CASE #_____ DATE/TIME_____

VEH LIC:_____ VIN:_____

VYR:_____ VMA:_____ VMO:_____ VST:_____ VCO:_____

TOWED FROM:_____

TOWED BY:_____

REPOSSESSION

REQUESTED BY:_____

CONTACT:_____ PHONE:_____

LEDS CHECK_____ NCIC CHECK_____

ENTERED BY:_____

VERIFIED BY:_____

APPENDIX 934C.pdf

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APPENDIX 934C

Control # _____

INTERNAL AFFAIRS INVESTIGATIONS

Preparation Checklist

❑ Log when complaint was received.
Date _____ Time _____ Who Received _____

❑ Send information memo on complaint to next in command (GO 5.9).
Date _____ By Whom _____

❑ Next in command assess complaint.
Date _____ By Whom _____

Determination
❑ Investigate
❑ Refer back to supervisor
❑ Close

❑ If investigation initiated, notify the Division Commander, Records Manager, or Manager of Human Resources (if investigation involves a Lieutenant or above).
Date _____ Who was notified _____

❑ Obtain control number from the Office of the Chief of Police.
Date _____ Control Number _____

❑ Deliver charge sheet to employee/subject of the investigation.
Date _____ Who Delivered _____

Assignment Checklist

❑ Assign investigation.
Date _____ To Whom _____

❑ Furnish member with copies of all forms pertaining to the original complaint (*Do not furnish complaint form if matter is criminal)*.
Date _____ By Whom _____

■ Conduct Investigation & follow procedure for reporting progress as provided in this General Order.

■ Tape all interviews. If not a Department Member or City employee, obtain permission to record.

❑ Schedule member interview. *(Notice of 3 working days required unless mutual agreement to schedule sooner).*
Date of Notice _____ Date of Interview _____ Time _____

❑ Provide Disclosure. Date _____

❑ At member interview, advise of rights as per Department Rules & Regulations 620.000.

■ Record member interview.
(This checklist should accompany the file or paperwork as it is passed on)

APPENDIX 934C **Control # _____**

INTERNAL AFFAIRS INVESTIGATIONS

Investigation Checklist

❑ If investigation will take longer than 45 days make a written request for extension.
Date Extension Requested _____

■ Conduct any necessary follow-up investigation and make a determination.
❑ Exonerated ❑ Not sustained
❑ Unfounded ❑ Sustained

❑ Complete report and deliver to Lieutenant (or equivalent) or appropriate supervisor.
Date Delivered _____

❑ Supervisor review report and ascertain if investigator's determination is appropriate.
❑ Affirmed ❑ Change of Status
❑ Exonerated ❑ Not sustained
❑ Unfounded ❑ Sustained

❑ If exonerated, unfounded or not sustained, Chief review and make final determination.
❑ Affirmed ❑ Change of Status
❑ Exonerated ❑ Not sustained
❑ Unfounded ❑ Sustained

❑ If sustained, set meeting with other Lieutenants or equivalent to make recommendation of action.
Date of Meeting _____

❑ Make written recommendation for action to Division Commander or Chief, if appropriate.
Date Delivered _____

❑ If discipline is greater than a written reprimand being considered/recommended, Chief prepares a due process letter.
❑ Description of allegations and circumstances surrounding them
❑ Discipline being considered
❑ Opportunity to respond either in writing or orally
Date _____ Time _____ Place _____

■ Record due process hearing

❑ Lieutenant or equivalent make final written recommendation for action after due process phase.

❑ Chief make final determination and prepare letter.

■ Action Taken _____

❑ Complete disposition sheet. Date _____ Who _____

❑ Deliver letter to member. Date _____

■ Implementation Date of Discipline _____ ❑ None taken.

(This checklist should accompany the file or paperwork as it is passed on)

Appendix 14 1D_Unclaimed Notice.pdf

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EPO Mult Cty - pages 1 - 2 - 2015-12-18.pdf

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Law Enforcement Case No.: _____
Multnomah County Circuit Court Case No: _____

EMERGENCY PROTECTIVE ORDER

1. PROTECTED PERSON (name)**:** _____

2. RESPONDENT (name) _____

Sex: ____ *Hgt*: _____ *Wgt*: _____ *Eye color*: _____ *Hair color:*_____ *Race:*_____ *DOB*: _____

3. THIS ORDER WILL EXPIRE ON: _____

INSERT DATE OF SEVENTH CALENDAR DAY AFTER ORDER IS SIGNED. DO NOT COUNT THE DAY THE ORDER IS GRANTED.

4. THE COURT FINDS that probable cause exists for the issuance of this Order based on the Peace Officer Declaration below, and the Order is necessary to prevent

5. ***IT IS HEREBY ORDERED*** **THAT RESPONDENT MUST NOT CONTACT THE PROTECTED PERSON NAMED IN ITEM 1 ABOVE OR ATTEMPT TO OR IN FACT INTIMIDATE, MOLEST, INTERFERE WITH, OR MENACE THE PROTECTED PERSON NAMED IN ITEM 1 ABOVE.**

IT IS FURTHER ORDERED that the SECURITY AMOUNT for violation of any provision of this Order is $5,000 unless otherwise specified here: Other Amount: $_____

_____ _____ _____
(PRINT NAME OF JUDGE) (JUDGE'S SIGNATURE) (DATE)

PEACE OFFICER DECLARATION

6. I am a peace officer and have probable cause to believe that an emergency protective order is necessary to prevent the protected person from suffering the occurrence or recurrence of abuse because:

□ I have responded to an incident of domestic disturbance and circumstances exist for mandatory arrest as described in ORS 133.055(2)(a);
OR
□ The person is in immediate danger of abuse by a family or household member.

DESCRIBE briefly: _____
_____
_____
_____
_____

7. □ The protected person gave consent and/or permission for the application for the Emergency Protective Order. (REQUIRED)

I DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT I UNDERSTAND THEY ARE MADE FOR USE AS EVIDENCE IN COURT AND ARE SUBJECT TO PENALTY FOR PERJURY.

_____ _____ _____ _____ _____
(PRINT NAME OF PEACE OFFICER) (PEACE OFFICER'S SIGNATURE) (AGENCY) (DPSST #) (DATE)

DECLARATION OF PROOF OF SERVICE

8. I personally delivered a copy of this Order to the Respondent named above on _____ at _____.
(DATE) (TIME)

Address: _____

I DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT I UNDERSTAND THEY ARE MADE FOR USE AS EVIDENCE IN COURT AND ARE SUBJECT TO PENALTY FOR PERJURY.

_____ _____ _____
(PRINT NAME OF PEACE OFFICER) (PEACE OFFICER'S SIGNATURE) (DATE)

9. I certify this is a True Copy.

_____
(PEACE OFFICER'S SIGNATURE)

ONE copy to court, ONE copy to restrained person, ONE copy to protected person, ONE copy to issuing agency

 See reverse for important information.

EMERGENCY PROTECTIVE ORDER
WARNINGS AND INFORMATION

TO THE RESPONDENT: Violation of any part of this Order may be contempt of court. Contempt is a court proceeding in which the Judge can impose a fine of up to $500 or one percent of your annual gross income, whichever is greater, or a jail term of up to six months, or both. The Court may also impose other consequences for contempt. All peace officers in the state of Oregon and all tribal law enforcement officers are required to enforce this Order. The terms and conditions of this Order remain enforceable until the Order expires or is terminated by the Court.

This Order will last until midnight on the date set out in item 3 on the reverse side. The protected person may, however, obtain a longer-lasting protective order from the court. You are entitled to receive notice if that happens. You may seek the advice of an attorney on any matter connected with this Order. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at 503.684.3763 or 800.452.7636 or go to: https://www.osbar.org/public/ris/.

TO THE PROTECTED PERSON: *This order will last only until midnight on the date set out in item 3 on the reverse side. If you need protection for a longer period of time, you must request a protective order from the court in the county where you live or where the respondent lives. If you go to court to request a longer-lasting protective order, take your copy of this form with you.* You may apply for a protection order free of charge. For the forms and further information about obtaining a protective order for a longer period of time, go to: http://courts.oregon.gov/ojd/forms/pages/index.aspx.

You have the option to seek the advice of an attorney on any matter connected with your application for any future court orders. **You do not have to have an attorney to get a protective order.** If you decide to consult an attorney, you should contact the attorney promptly so that the attorney can help you in making your application. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at 503.684.3763 or 800.452.7636 or https://www.osbar.org/public/ris/.

TO LAW ENFORCEMENT: The peace officer shall provide, without charge, a certified true copy of the Order to the protected person and shall ensure that certified true copies of the Order and Declaration are filed with the court.

- The peace officer shall serve the respondent personally.
- Upon completion of service, the peace officer is required to prepare the Proof of Service, and file it with the Court
- NOTE: If the peace officer cannot complete service *within one day* of the Emergency Protective Order's entry (filing with the court), the peace officer shall notify the court that the documents have not been served.
- Upon completion of service, enter the order into the Law Enforcement Data System (LEDS). Entry into LEDS constitutes notice to all law enforcement agencies of the Emergency Protective Order. The Emergency Protective Order is fully enforceable in any county or tribal land in Oregon.

A peace officer acting in good faith shall not be liable in any civil action for applying to or not applying to a circuit court for an ex parte Emergency Protective Order under HB 2776, Section 1 (10).

817 Appendix A.pdf

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Appendix A

GENERAL DUTY ASSIGNMENTS

INVESTIGATION DIVISION SPERVISOR

General Supervision, Case Assignments, Major Case Coordination, Tactical Analysis, Auction.

PROPERTY CRIMES UNIT

Burglary, Theft, Criminal Mischief, Auto Theft, Pro-active, Investigations, Narcotics, Vice, Gambling, Forgery, Fraud, Extortion, Arson, Prostitution, Intelligence.

PERSON CRIMES UNIT

Homicide, Sex Crimes, Child Abuse, Kidnapping, Robbery, Assaults, Harassments, Firearms Violations, Other Death Investigations, Missing Persons/RJV, Suspicious Circumstances

YOUTH EDUCATION & SERVICES UNIT

S.R.O. (School Resource Officers), Gangs

SPECIAL INVESTIGATIONS UNIT

Narcotics, Gambling, Bomb Incidents

CRIMINALIST

Crime Lab Work, Crime Scene Processing, Evidence/Property Control Back-up (2), Photography/Photo Processing, CSI Training, Fingerprint/Photo Citizens (2)

CRIME SCENE TECHNCIAN

Routine Major Crime Scene Processing, Evidence/Property Control Back-up (1), Fingerprint/Photograph Citizens, Assist Crime Lab, Division Equipment Control

PROPERTY CONTROL TECHNICIAN

Evidence/Property Control, Crime Scene Processing, Fingerprint/Photo Citizens (1), Assist in Crime Lab, Auction

POLICE RECORDS SPECIALIST II

Missing Persons, RJV, Property Log, Mug File, Gang Bulletin, Criminal Case Filing, Computer Input, Receptionist Back-up, Court Coordinator Back-up (1)

DIVISION SECRETARIES

Secretary, Receptionist, Administrative Filing, Purchasing, Mail Distribution, Payroll, Court Coordinator, Court Coordinator Duties

Revised: June 27, 1994

Oregon DECP Polices Procedures Manual-011316.pdf

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Oregon Drug Evaluation & Classification Program

Policies & Procedures Manual

Updated: 01/13/2016

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INTRODUCTION

The Oregon Drug Evaluation and Classification Program (DECP) is managed by the Oregon State Police (OSP) Patrol Division. Its existence is authorized by the International Association of Chiefs of Police (IACP), as outlined in the *International Standards of the Drug Evaluation Classification Program*.

The Oregon DECP operates in partnership with IACP, the National Highway Traffic Safety Administration (NHTSA), the Transportation Safety Division of the Oregon Department of Transportation (ODOT – TSD), the Oregon Department of Justice (DOJ), and the Department of Public Safety Standards & Training (DPSST). Funding is provided through the OSP Patrol Division and grants from ODOT – TSD.

This document will be reviewed regularly by the DECP State Coordinator and Oregon DECP Regional Coordinators. IACP, ODOT – TSD and Oregon DOJ will be consulted to ensure compliance with the *International Standards of the Drug Evaluation Classification Program*, Oregon State laws and administrative rules, current practices, and agency needs.

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International Standards of the Drug Evaluation Classification Program

IACP & DECP Forms

STATEMENT OF AUTHORITY

This document was designed to support the IACP *International Standards of the Drug Evaluation Classification Program* produced by the impaired driving Technical Advisory Panel (TAP). This document represents Oregon DECP minimum standards, which may supersede some IACP standards. This document does not supersede any individual agency policy that is more restrictive, nor does it supersede applicable federal law, Oregon state law, or Oregon Administrative Rules. Where Oregon DECP policies and procedures conflict with *International Standards of the Drug Evaluation Classification Program*, the more restrictive of the two policies shall be enforced.

The following certifications fall under Oregon DECP Policies & Procedures:

- Drug Recognition Expert
- Drug Recognition Expert Instructor
- Standardized Field Sobriety Test Instructor (OSP)

The following curricula fall under Oregon DECP Policies & Procedures:

- Drug Recognition Expert Pre-School
- Drug Recognition Expert School
- Drug Recognition Field Certifications
- Drug Recognition Expert Instructor Development Course
- Drug Recognition Expert Course Manager Training
- Advanced Roadside Impairment Driving Enforcement
- Drug Impairment Training for Educational Professionals
- Drugs that Impair Driving (Oregon)
- Standardized Field Sobriety Test Refresher (OSP)
- Standardized Field Sobriety Test Instructor Development Course (OSP)

The curricula for these standardized training courses, with the exception of Drugs that Impair Driving, were developed by the National Highway Traffic Safety Administration (NHTSA) and the International Association of Chiefs of Police (IACP), and have been approved for use by the Oregon State Police. Curriculum standardization is critical in the reliability of the material contained therein and its subsequent admissibility in criminal court. These courses, along with the Standardized Field Sobriety Training Course, are the only impaired driving curricula approved for instruction to sworn peace officers within Oregon DECP. Any deviation from these standardized curricula must be approved by the DECP State Coordinator in writing prior to instruction. Any course is subject to auditing by NHTSA, IACP or Oregon DECP representatives.

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1. ORGANIZATION & ADMINISTRATION OF OREGON DEC PROGRAM

ORIGINAL: 06/2010 REVISED: 05/2015

DISCUSSION

This policy outlines the organizational structure of the Oregon Drug Evaluation and Classification Program, selection of leadership positions, and the duties of those positions.

1.1 DECP STATE COORDINATOR

1.11 The appointment and selection of the state coordinator shall be responsibility of the Governor's Office of Highway Safety (GOHS). This selection may be made by the individual Oregon GOHS representative or by any means approved by the GOHS.

1.12 Where there is no state coordinator, the IACP Technical Advisory Panel (TAP) regional coordinator shall assume the duties and responsibilities of the state coordinator.

1.13 The DECP State Coordinator is not required to be a DRE or DRE Instructor, however it is strongly encouraged the DECP State Coordinator obtains those certifications in order to better understand and manage the program responsibilities.

1.14 DECP State Coordinator duties:

A. Manage the day to day operations of Oregon DECP, including certification, recertification and decertification of Drug Recognition Experts and Drug Recognition Expert Instructors.

B. Serve as Program Director for ODOT – TSD grants to Oregon DECP, authorizing expenditures related to the scheduling and administration of DECP curricula, equipment, annual training conferences, and the reimbursement of overtime related to Drug Recognition Expert callouts.

C. Provide technical assistance related to drug impairment to DREs, law enforcement agencies, prosecutors, and the public.

D. Promote and improve utilization of DREs as a resource in impaired driving enforcement efforts.

E. Review and approve DRE reports, Course Manager Reports following a scheduled DECP training, and other documents as required.

F. Establish and periodically revise Oregon DECP policies and procedures.

G. Define geographical regions within the state and select Oregon DECP Regional Coordinators to provide leadership and represent those regions.

H. Chair the Oregon DECP Advisory Committee and select members.

I. Schedule and attend meetings involving the Oregon DECP Advisory Committee and/or Oregon DECP Regional Coordinators.

J. Attend meetings with other state coordinators and IACP leadership.

K. Prepare annual reports of Oregon DECP activities at the request of IACP.

L. Collect and analyze data pertaining to impaired driving and the program.

1.2 OREGON DECP REGIONAL COORDINATORS

1.21 The DECP State Coordinator shall appoint DRE Regional Coordinators based on geographical and program needs. Established regions within the state should generally have one to three DRE Regional Coordinators each, and where feasible, should be both OSP and county or municipal DREs.

1.22 To be eligible for this voluntary assignment, the candidate must:

A. Be a certified DRE Instructor in good standing.

B. Have agency approval to devote 10-20% of on-duty time to Oregon DECP activities and responsibilities.

C. Be willing and able to schedule and/or attend DRE leadership meetings.

D. Be willing and able to fulfill the duties of the position, as outlined below.

1.23 DECP Regional Coordinators duties:

A. Communicate with the DECP State Coordinator regularly regarding issues related to the DEC Program and DREs within their region.

B. Review DRE reports within the region assigned by the DECP State Coordinator and forward those reports to the DECP Office at OSP General Headquarters in a timely manner.

C. Review and initial overtime reimbursement forms for final signature by the DECP State Coordinator.

D. Provide guidance to DREs within their region which is consistent with current standards and training curricula.

E. Schedule, organize and/or provide training related to the mission of the Oregon DECP.

F. Act as a local resource to all law enforcement agencies, prosecutors and related partners within the realm of impaired driving enforcement.

G. Promote and improve utilization of DREs as resources in impaired driving enforcement efforts.

H. Where feasible, coordinate special events and saturation patrols requiring or benefiting from DRE participation.

I. Schedule and attend annual meetings with DREs within their assigned region. This may be accomplished through "Region Breakout" meetings during annual DRE training conferences.

1.3 OREGON DECP ADVISORY COMMITTEE

1.31 The DECP State Coordinator shall chair the committee and select members.

1.32 Committee members may be representatives from any area related to impaired driving enforcement, including but not limited to, prosecutors, toxicologists, physicians, ODOT TSD representatives, and Oregon DECP leadership representatives. While there is no minimum or maximum number of committee members, the committee should be representative of the various entities connected to impaired driving investigations.

1.33 Oregon DECP Advisory Committee duties:

A. Convene, at least twice annually, via electronic means, teleconference, or in person meetings.

B. Provide assistance to the DECP State Coordinator in the coordination and implementation of annual DRE training conferences.

C. Provide "subject matter expert" guidance in matters related to Oregon DECP administration.

D. Select the recipient of the annual "Kenneth Snook DRE Award of Excellence" and any other awards deemed appropriate by the committee.

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2. CERTIFICATION FOR DRUG RECOGNITION EXPERT

ORIGINAL: 06/2010 REVISED: 07/2015

DISCUSSION

This policy outlines the selection process and certification procedures required for Drug Recognition Experts. Detailed curriculum procedures are outlined in Chapter 7.

2.1 CRITERIA FOR SELECTION

2.11 Applicants to Oregon Drug Recognition Schools must:

A. Have at least two years as a sworn peace officer in Oregon and be off probation with their employer. Reserves and corrections officers are excluded;

B. Have successfully completed the 24-hour Standardized Field Sobriety Testing (SFST) course, Intoxilyzer 8000 and 8-hour Drugs that Impair Driving (DID) course;

C. Be assigned to patrol;

D. Have reasonable experience related to impaired-driving and drug-related investigations;

E. Submit two DUII reports for review;

F. Submit a written recommendation from a local prosecutor;

G. Have the recommendation of two area DREs; and,

H. A DECP form signed by the candidate's agency head or designee, acknowledging the DRE may be utilized by law enforcement partners.

2.12 Applications shall be reviewed by the DECP State Coordinator and the DECP Regional Coordinators. DECP leadership shall consider the quality of the submitted reports, recommendations, and geographical need when making selections. Incomplete applications shall not be considered.

2.13 Selected candidates must successfully complete four phases of training and receive final approval from the DECP State Coordinator prior to certification:

A. DRE Pre-School;

B. DRE School;

C. DRE Field Certifications; and

D. Comprehensive Final Knowledge Examination.

2.2 DRE TRANSFERS FROM OTHER STATES

2.21 Drug Recognition Experts, previously certified by other states and now employed as sworn peace officers in Oregon, may transfer into the Oregon DECP. Each candidate shall submit the following documentation to the DECP Office **and** receive written approval prior to performing any training or enforcement evaluations:

A. A copy of the current IACP certification card or letter;

B. A copy of an updated rolling log;

C. A copy of an updated curriculum vitae;

D. Proof of successful completion of the 24-hour SFST course, Intoxilyzer 8000 and Oregon's 8-hour DID course; and,

E. A DECP form signed by the candidate's agency head or designee, acknowledging the DRE may be utilized by law enforcement partners.

2.22 The DECP State Coordinator will request additional supporting documentation from the originating state DECP Office, if necessary.

2.23 Candidates with identified concerns involving competence and/or truthfulness shall not be accepted into the Oregon DECP program.

2.24 Candidates shall review and acknowledge the Oregon DECP Policies & Procedures Manual, Oregon DECP forms and reporting requirements with a DRE Instructor.

2.3 RECORDS REQUIREMENTS

2.31 Drug Recognition Experts shall keep and maintain the following records:

A. Original certification progress log;

B. DRE certification cards and/or letters generated by IACP;

C. Copies of all drug evaluations, narratives and toxicology reports, in compliance with state and agency records retention requirements;

D. Rolling log of all evaluations performed as a DRE candidate and DRE. This log shall include at a minimum, the subject's name, date of evaluation, DRE opinion, toxicology results, and related case numbers; and

E. An updated curriculum vitae (CV), detailing relevant work experience, education, training, instruction, recognitions and specialized readings. Training and instruction documentation should, at a minimum, include the dates, locations, class title and hours.

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3. CERTIFICATION FOR DRUG RECOGNITION EXPERT INSTRUCTOR

ORIGINAL: 06/2010 REVISED: 05/2015

DISCUSSION

This policy outlines the selection process and certification procedures for Drug Recognition Expert Instructors. Specific curriculum requirements and procedures are found in 7.1-7.4.

3.1 CRITERIA FOR SELECTION

3.11 The DECP State Coordinator shall schedule a DRE Instructor Development Course at least once every three years. In lieu of this requirement, the Oregon DECP Office may elect to send qualified Instructor candidates to identical training being held in other states.

3.12 Candidates must:

A. Be certified DREs in good standing for a minimum of four years;

B. Have performed a minimum forty enforcement evaluations;

C. Be proficient in the SFST battery and DRE protocol; and,

D. When the scheduled Instructor Development Course is an approved two-day condensed class, candidates must be certified SFST Instructors prior to the start of the class.

3.13 Qualifying candidates shall submit an updated curriculum vitae to the Oregon DECP Office along with their statement of interest on or before the application deadline.

3.14 Candidates shall be interviewed by a panel of experienced DRE Instructors and present on a topic selected by the panel. Successful candidates shall be selected based on qualifications, interview scores and presentation skills.

3.15 Selected candidates must complete three phases of training and receive final approval by the DECP State Coordinator prior to certification:

A. Complete a 40-hour SFST/DRE Instructor Development Course. If a candidate is already a SFST Instructor, a 16-hour condensed course must be completed in lieu of the 40-hour course requirement.

B. Instruct a minimum of two hours during a DRE Pre-School or DRE School, in the presence of a certified DRE Instructor.

C. Observe a minimum of two evaluations at DRE Field Certifications, in the presence of a certified DRE Instructor.

3.2 DRE INSTRUCTOR TRANSFERS FROM OTHER STATES

3.21 Drug Recognition Expert Instructors, previously certified by other states and now employed as sworn peace officers in Oregon, may transfer into the Oregon DECP. Each candidate shall submit the following documentation to the DECP Office **and** receive written approval prior to performing enforcement evaluations or instruction:

A. A copy of the current IACP certification card or letter;

B. A copy of an updated rolling log;

C. A copy of an updated curriculum vitae;

D. Proof of successful completion of the 24-hour SFST course, Intoxilyzer 8000 and Oregon's 8-hour DID course; and,

E. A DECP form signed by the candidate's agency head or designee, acknowledging the DRE may be utilized by partnering agencies for evaluations or instruction.

3.22 The DECP State Coordinator will request additional supporting documentation from the originating state DECP Office, if necessary.

3.23 Candidates with identified concerns involving competence and/or truthfulness shall not be accepted into the Oregon DECP program.

3.24 Candidates shall review and acknowledge the Oregon DECP Policies & Procedures Manual, Oregon DECP forms and reporting requirements with a DRE Instructor.

3.25 DRE Instructor candidates shall instruct a minimum of two hours of DRE Pre-School or DRE School curriculum under the supervision of the DECP State Coordinator before final approval.

3.3 RECORDS REQUIREMENTS

3.31 **Effective January 1st, 2016:** In addition to the records requirements for Drug Recognition Experts outlined in 2.3, Drug Recognition Expert Instructors shall also maintain an accurate record of teaching hours in their curriculum vitae, including podium hours and number of students in each class.

3.4 DECP ADJUNCT INSTRUCTORS

3.41 The DECP State Coordinator may designate other professionals as DECP Adjunct Instructors, provided they have specialized training and experience relevant to DECP curricula and have demonstrated the ability to instruct.

3.42 This title is limited to selected prosecutors, toxicologists, and medical physicians, but does not provide certification as a Drug Recognition Expert or Drug Recognition Expert Instructor.

3.43 The Oregon DECP Office shall have a current curriculum vitae on file for every DECP Adjunct Instructor.

3.44 DRE Adjunct Instructors shall acknowledge and abide by Oregon DECP Policies & Procedures when providing instruction or representing Oregon DECP.

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4. RECERTIFICATION

ORIGINAL: 06/2010 REVISED: 01/2016

DISCUSSION

This policy outlines the requirements and procedures for recertification as a Drug Recognition Expert and Drug Recognition Expert Instructor.

4.1 DRUG RECOGNITION EXPERT RECERTIFICATION REQUIREMENTS

4.11 Following initial certification, a DRE is required to recertify every two years to maintain certification and credentials through the International Association of Chiefs of Police. Oregon DECP recertification standards are outlined below.

4.12 DREs must be employed as sworn peace officers in the State of Oregon, in either a paid or volunteer capacity. Exceptions to this rule are paid employees of the IACP Drug Evaluation & Classification Program.

4.13 DREs must perform a minimum of four enforcement evaluations during their two year certification period. Training or "mock" evaluations do not count toward this requirement.

A. At least one evaluation must be eye-witnessed by a certified DRE Instructor. This evaluation may be an enforcement or training evaluation, but training evaluations must be conducted on a live subject under the influence of alcohol and/or drugs.

B. All enforcement and training evaluations shall have complete and detailed reports submitted to the Oregon DECP Office.

C. DREs should have an acceptable level of toxicology confirmation, based on the calculation stipulated in 7.46. The DECP State Coordinator shall consider the limitations of forensic testing when assessing confirmation rates.

4.14 DREs must submit a current rolling log which includes at a minimum, the suspect's name, date of evaluation, drug categories called, toxicology, and related case numbers.

4.15 DREs must submit an updated curriculum vitae.

A. The curriculum vitae shall show at least eight (8) hours of DECP-approved continuing education within the most recent two-year certification period. Recertification courses or training conferences sponsored by the Oregon DECP Office shall count toward this requirement.

B. Other courses must have the approval of the DECP State Coordinator. The State Coordinator may request the following information to assist in approving or denying the training: proof of attendance, a course outline and, when issued, a certificate of completion. DREs shall be notified in writing if submitted training hours are denied.

C. The curriculum vitae shall also update other required information, as stipulated in 2.3 (E), and where applicable, 3.31.

4.16 Recertification documents should be reviewed and approved by an Oregon DECP Regional Coordinator prior to submission to the Oregon DECP.

4.2 DRUG RECOGNITION EXPERT INSTRUCTOR RECERTIFICATION REQUIREMENTS

4.21 Following initial certification, a DRE Instructor is required to recertify every two years to maintain certification and credentials through the International Association of Chiefs of Police. Oregon DECP recertification standards are outlined below.

4.22 **Effective January 1st, 2016:** In addition to recertification requirements outlined in 4.1, DRE Instructors shall instruct a minimum of forty-eight (48) hours of SFST and/or DECP curricula **during their certification period**. Minimum hours for newly certified DRE Instructors will be pro-rated based on date of certification within their regular certification.

A. At least sixteen (16) hours shall be "podium time," commonly thought to be presenting alone or with a second Instructor in a classroom environment.

B. The 40-hour SFST IDC, 24-hour SFST course and Oregon 4-hour SFST Refresher may be applied toward minimum instruction hours; however, Instructors are encouraged to remain proficient in DECP curricula, including DRE School, DRE IDC, DRE Field Certifications, ARIDE, DITEP and/or DID.

4.3 EXPIRATION

4.31 DREs not providing the required information to the Oregon DECP Office by their IACP expiration date shall immediately be deemed "Expired," and may not conduct enforcement evaluations or instruct DECP curricula. Expiration occurs at 12:01 AM on the IACP expiration date.

4.32 The Oregon DECP Office shall notify DREs in writing or electronically when they are six months from their expiration date and when they are expired.

4.33 Where feasible, DREs voluntarily expiring should notify the Oregon DECP Office ahead of their expiration date, so DRE equipment and material return can be coordinated by the Oregon DECP Office or their designee.

4.4 ADMINISTRATIVE EXTENSION

4.41 The DECP State Coordinator has the sole authority to approve or deny administrative extension requests.

4.42 DREs and DRE Instructors who are unable to comply with 4.1 and 4.2, respectively, prior to their expiration date, shall submit a written request to the Oregon DECP Office for an administrative extension. The request must explain the reasons for the extension and outline the steps being taken to complete the recertification requirements.

4.43 If granted, administrative extensions expire six calendar months after the DRE's IACP expiration date. The DRE's status will move to "Inactive", and they may not perform enforcement evaluations or instruct DECP curricula until their administrative extension requirements are fulfilled and they receive direct approval from the DECP State Coordinator.

4.44 In order to be considered, missing recertification requirements must be submitted to the Oregon DECP Office before the expiration date. If the DRE fails to submit the required documentation before the expiration of the administrative extension, the DRE will revert to "Expired" status and must comply with requirements outlined in 4.5 or 4.6.

4.5 RECERTIFICATION OF DRUG RECOGNITION EXPERTS – EXPIRED LESS THAN FIVE YEARS

4.51 Previously certified DREs, expired less than five years, may recertify with Oregon DECP by completing the following steps:

A. Pass the DRE School 100-question final examination with a minimum score of 80%, proctored by a certified DRE Instructor. If the expired DRE fails the examination, they have one opportunity to retest between 15 and 30 days. If the expired DRE fails the remedial exam, they will be decertified and must reapply for DRE School.

B. Perform four training evaluations on drug- and/or alcohol-impaired subjects, in the presence of a certified DRE Instructor. A breath test shall be obtained on all subjects, and urine samples shall be obtained on at least 75% of all subjects deemed to be drug-impaired. Opinions should be corroborated in 75% of cases.

C. Receive DRE curriculum and policy updates from a certified DRE Instructor.

D. Submit an updated DRE rolling log and curriculum vitae.

E. Obtain written approval from the DECP State Coordinator.

4.52 Previously certified DRE Instructors expired less than five years, may recertify with Oregon DECP by completing the following steps:

A. Complete the steps for DRE recertification outlined in 4.51.

B. Instruct a minimum of two hours at DRE Pre-School or DRE School, in the presence of a certified DRE Instructor.

C. Observe a minimum of two training evaluations at DRE Field Certifications, in the presence of a certified DRE Instructor.

D. Obtain written approval from the DECP State Coordinator.

4.6 RECERTIFICATION OF DRUG RECOGNITION EXPERTS – EXPIRED MORE THAN FIVE YEARS

4.61 Any DRE wishing to recertify, who has been expired for more than five years, must apply for admission as outlined in 2.1 and complete all normal DRE certification phases.

4.62 Any DRE Instructor wishing to recertify, who has been expired for more than five years, must apply for admission as outlined in 2.1 and complete all normal DRE certification phases. Following recertification, they must be certified for a minimum of two years before reapplying for DRE Instructor certification. The DECP State Coordinator may, at their discretion, require or waive the completion of a DRE Instructor Development Course; however the remainder of the normal Instructor certification process shall be completed by the candidate prior to final approval.

5. DECERTIFICATION & APPEAL PROCESS

ORIGINAL: 06/2010 REVISED: 01/2016

DISCUSSION

This policy outlines the criteria and procedures for decertification of a Drug Recognition Expert or Drug Recognition Expert Instructor, including the appeal process.

5.1 CRITERIA FOR DECERTIFICATION OF A DRUG RECOGNITION EXPERT

5.11 **Effective June 1st, 2015:** DREs and DRE Instructors shall immediately decertify when they are no longer employed as a paid or volunteer sworn peace officers in the State of Oregon, or are no longer employed by the IACP Drug Evaluation & Classification Program. Exceptions to this are instances where a DRE transfers from one approved agency to another (i.e. lateral hire), however the DRE or DRE Instructor will be "inactive" and unable to instruct or perform DRE evaluations during any brief periods when not employed in a qualified capacity. DREs and DRE Instructors immediately revert to active status upon their new employment, provided they are still within their certification period.

5.12 If any student, DRE or DRE Instructor is placed on administrative leave by their agency during an investigation, their certification will revert to "Inactive" until their police authority is returned. During this period, they may not perform enforcement evaluations, or, in the case of DRE Instructors, observe certification/recertification evaluations or instruct DECP curricula. If a DRE or DRE Instructor is terminated by their agency for cause, the DECP State Coordinator shall decertify them.

5.13 DREs and DRE Instructors are subject to decertification for cause. This includes evidence of poor performance, incomplete or inaccurate report writing, inconsistent findings, failure to respond to remedial efforts, serious violations of the DECP student or instructor code of conduct policies, or other acts on the part of the DRE or DRE Instructor that reflect discredit upon Oregon DECP.

5.14 Concerns regarding a DRE or DRE Instructor's competency and/or proficiency may be reported by members of the public, members of Oregon DECP, or agency partners. Allegations must be addressed in written form to the DECP State Coordinator, listing specific facts, cases and/or incidents.

5.15 The DECP State Coordinator shall investigate all concerns and document the results of those investigations. Those investigations shall remain on file at the Oregon DECP Office, in accordance with records retention schedules.

5.16 The DECP State Coordinator shall consider the seriousness of the offense, the repetitive nature of the offense, and the probability of successful remediation, when making a decision to decertify a DRE or DRE Instructor.

5.17 In all cases, a letter with the findings will be sent to the involved DRE and their agency head. The letter will state the specific reasons for decertification or the plan for remedial training.

5.18 If there are open criminal cases pending, the DECP State Coordinator shall contact the appropriate prosecutor and notify them of the decertification.

5.2 CRITERIA FOR DECERTIFICATION OF A DRUG RECOGNITION EXPERT INSTRUCTOR

5.21 A DRE Instructor may be decertified but retain their underlying DRE certification, if:

A. The sustained allegations are limited to their proficiency and competency as an Instructor; or,

B. Failure to maintain minimum DRE Instructor recertification standards.

5.22 The DECP State Coordinator shall follow all investigatory and notification procedures outlined in 5.1.

5.3 DECERTIFICATION APPEAL PROCESS

5.31 Following the decertification of a Drug Recognition Expert or Drug Recognition Expert Instructor, the involved DRE may appeal the decision.

A. Appeals must be made in writing and received by the Oregon DECP Office within thirty days of the postmarked date of written decertification notice.

B. Appeals, including all submitted evidence and documentation, shall be reviewed by an ad hoc committee composed of an Oregon DECP Regional Coordinator, a representative of ODOT – TSD, and a prosecutor with experience in DRE cases. No member of the ad hoc committee may have been party to the original decertification process, including but not limited to: reporting of complaints, investigation and documentation of complaints, and/or remedial training.

C. The committee shall convene and render a decision within sixty calendar days of the receipt of the appeal by the Oregon DECP Office. The decision by the committee is final and binding.

D. Upon receipt of the committee's decision, the DECP State Coordinator shall immediately notify IACP and the involved DRE of the decision in writing.

E. During the appeal process, the involved DRE will be considered "Inactive" and may not perform enforcement evaluations, or, in the case of DRE Instructors, observe certification/recertification evaluations or instruct DECP curricula.

5.32 All records related to the decertification and appeal process shall be retained by the Oregon DECP Office, in accordance with records retention schedules.

5.4 CONFLICT RESOLUTION

5.41 For any matter not directly addressed in Oregon DECP policies or *International Standards of the Drug Evaluation Classification Program*, resolutions/decisions will be made by a consensus of the following individuals: the DECP State Coordinator, the regional TAP representative, and the IACP DECP manager or their designee from the IACP TAP.

5.42 All decisions made by this body are binding.

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6. DECP CODE OF CONDUCT

ORIGINAL: 06/2010 REVISED: 05/2015

DISCUSSION

It is the intent of these policies and procedures to act as a guideline for appropriate conduct while involved in classroom or practical exercises. It is the responsibility of the students and Instructors to become familiar with all policies and procedures governing DECP courses.

6.1 CRIMINAL CONDUCT

6.10 Any student or Instructor engaging in conduct considered criminal under Oregon or federal law will be immediately dismissed from the course and their agency will be immediately notified by the DECP State Coordinator. The DECP State Coordinator will write a report as part of such investigations, or request the report be completed by the Course Manager, Assistant Course Manager and/or Lead Instructor within 48 hours.

6.2 STUDENT CODE OF CONDUCT

6.21 Students shall complete and submit the DECP Policies & Procedures Acknowledgement form indicating their understanding and compliance with the requirements set forth herein.

6.22 Classroom Environments

A. Misrepresentation of information or falsification of test results is prohibited. This includes, but is not limited to, cheating on written or proficiency tests in any manner, claiming work completed by others as your own, or claiming a fabricated work product knowing the information obtained was fictitious.

B. Students shall not have any amount of alcohol or impairing drugs in their system during any portion of any DECP course.

C. Students shall attend no less than 90 percent of DECP courses, with the exception that DRE Pre-School and DRE School students must attend 100 percent of the course. All sessions, practical exercises, quizzes, phases, and tests must be successfully completed by each student in order to receive credit. If a student misses more than eight hours of class, they are not eligible to make-up missed sessions and will be dismissed from class. Students are not permitted to "test out" of any section of a course. Make-ups sessions with Instructors will be approved by the Course Manager on a case-by-case basis.

D. Students shall adhere to the Instructor's directives during all phases of the course, except where such directives violate Oregon law or Oregon DECP Policies & Procedures. Conflicts shall be reported to the Course Manager immediately.

E. Students shall not subject Instructors or volunteers participating in a course to any form of discrimination or favoritism based on age, gender, ethnicity, religious, or sexual orientation.

F. Sexual harassment, including physical, verbal or of a gesture-laden nature, is prohibited.

G. Agency uniform or business attire shall be worn by students unless otherwise directed by the Course Manager or Lead Instructor.

H. It is the responsibility of the student to maintain a copy of their certificate of training and any other required course documentation.

6.3 INSTRUCTOR CODE OF CONDUCT

6.31 Instructors shall complete and submit the DECP Policies & Procedures Acknowledgement form, indicating their understanding and compliance with the requirements set forth herein.

A. Instructors shall not subject students or volunteers participating in a course to any form of discrimination or favoritism based on age, gender, ethnicity, religious, or sexual orientation.

B. Sexual harassment, including physical, verbal or of a gesture-laden nature, is prohibited.

C. Misrepresentation of information or falsification of test results is prohibited. This includes, but is not limited to, falsified test results and providing students with answers for written or proficiency tests knowing that the students will take credit for the answers as their own.

D. Instructors shall conduct themselves in a professional manner at all times and shall not discredit the integrity of IACP or Oregon DECP.

E. Instructors shall not have any amount of alcohol or impairing drugs in their system during any portion of any DECP course.

F. Instructors will be dressed in agency uniform or business attire. The DECP State Coordinator, Course Manager, and/or lead Instructor may make exceptions.

G. Instructors shall arrive on time for the training session and shall not depart prior to the last student's departure at the end of the training day. Exceptions may be granted by the DECP State Coordinator or Course Manager on a case-by-case basis.

H. Instructors shall not criticize the credibility or professional standing of other Instructors in the presence of students or volunteers.

I. Relationships between Instructors and students or volunteers shall remain on a professional basis during the course of training.

J. If an incident occurs during any course that requires any medical or law enforcement agency to generate a report of any type, the Instructor will contact, by phone, the appropriate supervisors at their agency and the DECP State Coordinator as soon as possible. The Instructor shall write a report with details including, the individuals involved, narrative of the incident, disposition, and actions by the Instructor to resolve the incident. The report shall be postmarked to the Oregon DECP Office within two business days.

K. It shall be the responsibility of the Instructor to maintain a copy of their certificate of training and any other required documentation once received from the DECP Office.

L. These training courses are funded by state and federal funds. All Instructors shall abide by the direction of the DECP State Coordinator, who authorizes the use such funds.

M. It is the responsibility of all Instructors to adequately prepare for their assigned portion of the lesson plan. Failure to prepare may result in the Instructor being dismissed from the course by the Course Manager or DECP State Coordinator.

N. Only certified Instructors will grade any quizzes or proficiency tests.

O. Instructors shall abide by directives issued by the DECP State Coordinator or Course Manager.

6.32 Any individual who provides technical assistance, information, consulting, or instructional services to individuals or organizations whose intent and actions are known to be counter to the goals and objectives of the DECP **will not be used** as an Instructor in the program. The DECP State Coordinator shall be notified and consulted when such services are requested.

6.33 All training courses are subject to unannounced auditing by Oregon DECP, NHTSA, and/or IACP representatives to ensure compliance. Failure to open courses for monitoring will result in the immediate suspension of the Instructor's certification.

6.4 FACILITY REQUIREMENTS

6.41 The classroom must have sufficient space to accommodate training. The classroom shall provide a desk or table space for each student.

6.42 The classroom setting must have access to multimedia projector and screen, videotape or DVD player, monitors, a dry erase board, and organizational charts to aid with instructional methods.

6.43 The training facility must have a room large enough to conduct an alcohol workshop and necessary practical exercises, where applicable.

6.44 The training facility should have sufficient space, or a separate area, for Instructors to prepare for their teaching assignments.

6.45 The training facility must have accessible restrooms.

6.46 The training facility must provide off-street vehicle parking for students, Instructors, and guests. Parking lots that provide gated security or a security detail are recommended.

7. DECP CURRICULUM GUIDELINES & PROCEDURES

ORIGINAL: 06/2010 REVISED: 07/2015

DISCUSSION

This policy describes each DECP curriculum; it outlines the requirements for attendance, management, instruction, curriculum and other related topics. Attendance requirements for DRE Pre-School, DRE School and DRE Instructor Development Course are outlined in 2.1 and 3.1.

7.1 SCHEDULING AND MANAGING COURSES

7.11 DECP courses may be scheduled by the DECP State Coordinator, or by Regional Coordinators with the approval of the DECP State Coordinator. It is recommended the course date(s) and location be confirmed at least 60 days prior to the start of the class, in order to allow for student registration and instructor preparation. Registration deadlines should be established approximately ten days prior to the start of the class, so sufficient materials can be prepared by the DECP Office.

7.12 Training announcements will be prepared by the DECP Office and submitted to DPSST for listing on the training calendar. The DECP Regional Coordinator or DRE Instructor responsible for managing the course shall provide the following information to the DECP Office, in order to complete the announcement:

A. Course date(s);

B. Course location and address;

C. Maximum class size; and,

D. At least two area lodging options, including address and government billing rate.

7.13 The DECP State Coordinator shall, where applicable, appoint a Course Manager to administer the course. An Assistant Course Manager may also be appointed, based on need and opportunities to gain experience. In order to be eligible, they must be DRE Instructors in good standing and have previously completed DECP Course Manager Training (7.6). The Course Manager's responsibilities include:

A. Ensuring consistency and compliance with IACP and/or DECP curriculum.

B. Scheduling Instructors and teaching assignments, including the appointment of Lead Instructor(s) and Alcohol Workshop Coordinators as needed.

C. Resolving and documenting conflicts involving students and/or Instructors.

D. Recruiting and scheduling participants for the Alcohol Workshop(s), unless this duty is assigned to the Alcohol Workshop Coordinator(s).

E. Preparing a Course Manager's Report within 30 days after the course.

7.14 Course Manager's Reports shall include a detailed outline of:

A. Descriptions of student demographics and facilities;

B. Copies of any out-of-state Instructor's curriculum vitae;

C. Daily notes, consisting of successes, deficiencies, exceptions and suggestions;

D. Instructor critiques, based on ratings from students and the Course Manager; and,

E. Originals of all examinations, daily critiques, course critiques, and handouts.

7.15 Instructors will make every attempt to instruct while on-duty, on straight time. Overtime expenditures for DECP courses must be approved prior to the start of class by the DECP State Coordinator, unless the Instructor's agency does not request reimbursement by the DECP Office.

7.16 Instructors are responsible for the distribution of course materials, including, but not limited to, handouts, videos, CD-ROMs and student manuals. These materials shall only be given to eligible students enrolled in any of the DECP-sponsored courses. Any unused materials must be returned to the DECP Office or DECP Regional Coordinator within 30 days, unless other arrangements are made.

7.2 DRUG RECOGNITION EXPERT PRE-SCHOOL

This 16-hour course is intended to prepare students for the 56-hour Drug Recognition Expert School. The course lays a foundation of knowledge and procedures for the DRE program. The course includes an alcohol workshop, where students are required to demonstrate 100% proficiency in the administration of Standardized Field Sobriety Tests (SFSTs).

7.21 General selection requirements are outlined in 2.1.

7.22 Oregon State Police Forensic Division toxicologists and municipal or county prosecutors may request permission to audit Oregon DECP curricula. Those requests will be considered by the DECP State Coordinator on a case by case basis. Accepted attendees shall not be present for any written examination, receive credit for completion, or later purport to have related credentials or certification.

7.23 A Course Manager shall be appointed and comply with requirements outlined in 7.13-7.14.

7.24 Only certified DRE Instructors in good standing shall provide instruction. Exceptions to this policy are outlined below and must have the approval of the DECP State Coordinator prior to the class.

A. DRE Instructor candidates may instruct any session, provided they are paired with a certified DRE Instructor in good standing.

B. DRE Adjunct Instructors with related expertise may instruct the following sessions, with the approval of the DECP State Coordinator: *Session VIII: Alcohol as a Drug*.

7.25 DRE Pre-School Curriculum Requirements:

A. DRE Pre-School will be conducted in compliance with the Administrative Guide provided by NHTSA and IACP. Training opportunities for DRE Pre-School are scheduled by the DECP State Coordinator.

B. Each student must pass the SFST proficiency test. If a student fails to pass within two separate attempts, they will be dismissed from the class with a failing score and may reapply for the next selection process.

C. Each student must successfully complete the final written examination with a minimum score of 80%. If the student fails to pass the first attempt, remedial training will be provided by a DRE Instructor and a second attempt will be provided on site. If the student fails the second attempt, the student will be dismissed from the class with a failing score and may reapply for the next selection process.

D. There shall be at least four DRE Instructors scheduled per class. If the class size exceeds 20 students, there shall be a minimum of five DRE Instructors.

E. There shall be a minimum of one DRE Instructor or DRE Instructor Candidate for every three students during the alcohol workshop.

F. There shall be a minimum of one DRE Instructor or DRE Instructor Candidate for every three volunteers during the alcohol workshop.

7.26 Student Dismissal or Withdrawal Penalty

A. If a student is dismissed from the course for any reason, including voluntary withdrawal, violation of student conduct policies, or examination failure, their agency **will not be responsible** for reimbursing the Oregon DECP for

any expenses accrued. The DECP State Coordinator shall notify the agency in writing of the reason for the dismissal.

B. If a student leaves the training program for any reason prior to completion, all issued equipment must be returned. If returned equipment is found to be unserviceable by the DECP State Coordinator, the student's agency may be asked to replace it or pay the cost of replacement. The agency can challenge any charges by writing a letter to the DECP State Coordinator, who will coordinate with an agency representative to reach a final resolution.

7.3 DRUG RECOGNITION EXPERT SCHOOL

This 56-hour course consists of detailed instruction in recognizing and determining drug influence, physiology, evaluation procedures, legal procedures and documentation. An alcohol workshop is also included.

7.31 To be eligible to attend this course, students must have successfully completed DRE Pre-School within the preceding six months.

7.32 Oregon State Police Forensic Division toxicologists and municipal or county prosecutors may request permission to audit Oregon DECP curricula. Those requests will be considered by the DECP State Coordinator on a case by case basis. Accepted attendees shall not be present for any written examination, receive credit for completion, or later purport to have related credentials or certification.

7.33 A Course Manager shall be appointed and comply with requirements outlined in 7.13-7.14.

7.34 Only certified DRE Instructors in good standing shall provide instruction. Exceptions to this policy are outlined below and must have the approval of the DECP State Coordinator prior to the class.

A. DRE Instructors candidates may instruct any session, provided they are paired with a certified DRE Instructor in good standing.

B. DRE Adjunct Instructors with related expertise may instruct the following sessions, with the approval of the DECP State Coordinator: *Session V: Eye Examinations*, *Session VI: Physiology & Drugs: An Overview*, *Session VII: Examination of Vital Signs*, *Session XIII: Physician's Desk Reference and Other Reference Sources*, and *Session XXVIII: Case Preparation and Testimony*.

7.35 DRE School Curriculum Requirements:

A. DRE School will be conducted in compliance with the Administrative Guide provided by NHTSA and IACP. Training opportunities for DRE School are scheduled by the DECP State Coordinator.

B. Each student must successfully complete five written quizzes with a minimum average score of 80%. The student may remediate up to two quizzes in order to raise their average to at least 80%. Students failing to achieve the minimum average score will be dismissed from class with a failing score and may reapply for the next selection process.

C. Each student must successfully complete the final written examination with a minimum score of 80%. If the student fails to pass the first attempt, remedial training will be provided by a DRE Instructor and a second attempt will be provided between 15 and 30 days following the first examination failure. If the student fails to pass the second time, the student will be dismissed from the course with a failing score and may reapply for the next selection process.

D. There shall be at least four DRE Instructors scheduled per class. If the class size exceeds 20 students, there shall be a minimum of five DRE Instructors.

E. There shall be a minimum of one DRE Instructor or DRE Instructor Candidate for every three students during the alcohol workshop.

F. There shall be a minimum of one DRE Instructor or DRE Instructor Candidate for every three volunteers during the alcohol workshop.

7.36 Student Dismissal or Withdrawal Penalty

A. If a student voluntarily withdraws from the course, their agency **will not be responsible** for reimbursing the Oregon DECP for any expenses accrued. Voluntary withdrawal includes instances such as family emergency, illness or injury, or an agency's responsibility to respond to state or local emergencies.

B. If a student is dismissed from the course for violation of student conduct policies or academic failure, their agency **will be responsible** for reimbursing the Oregon DECP for all expenses accrued. The DECP State Coordinator shall notify the agency in writing of the reason for the dismissal. A sponsoring agency can challenge any charges by writing a letter to the DECP State Coordinator who will coordinate with an agency representative to reach a final resolution.

C. If the DRE student leaves the training program for any reason prior to completion, all issued equipment must be returned. If returned equipment is found to be unserviceable by the DECP State Coordinator, the student's sponsoring agency may be asked to replace it or pay the cost of replacement. A sponsoring agency can challenge any charges by writing a letter to the DECP State Coordinator who will coordinate with an agency representative to reach a final resolution.

7.4 DRUG RECOGNITION EXPERT FIELD CERTIFICATIONS

DRE Field Certifications will be conducted after the completion of DRE Pre-School and DRE School. DRE students will be required to conduct DRE evaluations on subjects who may be impaired. The DRE student will determine if impairment is present at the time of the evaluation and identify the drug category or categories. The student will then submit the subject's urine sample for toxicological screening and write a detailed report on all evaluations conducted. At the conclusion of DRE Field Certifications, students will take the Comprehensive Final Knowledge Examination.

7.41 To be eligible to attend this course, students must have successfully completed DRE Pre-School and DRE School.

7.42 Oregon State Police Forensic Division toxicologists and municipal or county prosecutors may request permission to observe DRE Field Certifications. Those requests will be considered by the DECP State Coordinator on a case by case basis. Accepted attendees shall not be present for any written examination, perform evaluations, receive credit for completion, or later purport to have related credentials or certification.

7.43 DRE Field Certifications will be scheduled to maximize DRE student exposure and minimize impact to participating agencies. DRE Field Certifications will be conducted at pre-assigned locations until completed course requirements are met unless some other mutually agreeable alternative can be reached between the agency administrator, the student and the DECP State Coordinator.

7.44 Training Guidelines:

A. A site coordinator and OSP supervisor are mandatory during field certification training and will be designated by the DECP State Coordinator. Both shall be present at all times when training is being conducted.

B. No firearms are authorized ***inside*** the training facility, which is defined as the area where students administer evaluations. Firearms are permitted in other areas, including intake, for security purposes.

C. Field certifications will be conducted in an environment conducive to the type of training taking place.

D. DRE students conducting evaluations as part of their certification process will not conduct a DRE evaluation on an individual who may be charged with Driving under the Influence of Intoxicants (DUII) or any criminal offense relating to DUII. Only certified DREs shall conduct enforcement evaluations.

E. DRE students will wear his or her agency uniform. Exceptions may be made by the DECP State Coordinator or their designee.

F. DRE Instructors will wear his or her agency uniform when locating volunteer subjects. If the Instructor's pre-determined location will be ***inside*** the training facility then a modified agency uniform may be worn (i.e. BDU-style pants, agency or DRE polo shirts, etc.).

G. Volunteer subjects being evaluated **will not** be coerced into submitting to an evaluation, and shall sign a written consent form explaining the process.

H. Volunteer subjects will not be left unattended at any time while in the facility.

I. If the volunteer subject needs medical attention, it is the duty of the DRE student and/or DRE Instructor to provide medical aid or assistance, and request EMS assistance. The involved DREs shall generate a report and postmark it to the DECP State Coordinator within 48 hours.

J. Under ***no circumstances*** shall volunteer subjects known to be under the age of 18 be evaluated.

K. For safety purposes, DRE or DRE Instructors locating volunteers for certification training must work in at least pairs.

7.45 During this phase the DRE student will participate in a minimum of twelve evaluations. Only certified DRE Instructors shall observe student evaluations and approve reports. The lone exception to this rule is DRE Instructor Candidates, who must be also observed by a certified DRE Instructor.

A. Of the twelve evaluations, the DRE student must have performed at least ***six*** evaluations as the evaluator. The remaining six may be scribe evaluations or a maximum of three witness evaluations combined with scribe evaluations. A minimum of ***three*** different drug categories must be identified during the twelve evaluations.

B. DRE students must be present for the entire evaluation in order to receive credit.

C. Each DRE student must be evaluated by a minimum of two DRE Instructors during field certification training.

D. Written reports must be completed for each evaluation in which a DRE student participates and shall be approved by the certified DRE Instructor who supervised the evaluation.

E. Upon completion of each field certification evaluation, including the approval of the report, the certified DRE Instructor who supervised the evaluation will sign the DRE student's "IACP certification progress log."

7.46 Biological samples shall be submitted for analysis for at least ten of the twelve evaluations required for certification, to confirm the presence of a drug category or categories. The DRE student will not be certified without their opinion being confirmed by toxicology results in a minimum of 80% of samples. If this is not attained in the first twelve evaluations, additional evaluations shall be done until 80% is achieved, though no more than twenty evaluations are permitted. Toxicological confirmation accuracy is established when laboratory analysis discloses the presence of the drug identified by the DRE student, as follows:

A For one drug category, the category called must come back positive.

B. For two drug categories, at least one category called must come back positive.

C. For three drug categories, at least two categories called must come back positive.

D. For four drug categories, at least three categories called must come back positive.

E. The calculation continues in this progression.

F. For the purpose of calculating confirmation rates, Alcohol is not included.

G. In the event the volunteer is unwilling or unable to provide a urine sample, two certified DRE Instructors may review the evaluation and confirm the opinion of the DRE student.

7.47 Comprehensive Final Knowledge Examination

A. This IACP-approved exam shall be administered by a current and certified DRE Instructor within six calendar months of the completion of DRE School.

B. The student must complete at least seven of the required twelve evaluations during DRE Field Certifications, and have approval from the DECP State Coordinator, before they are eligible to take the Comprehensive Final Knowledge Examination.

C. The Comprehensive Final Knowledge Exam shall consist of five sequential sections, each of which must be completed before beginning the next section:

1. Fill In the blank questions;

2. Drug Matrix Chart;

3. The Four Effects and Explanation of Effects;

4. Drug Combinations; and,

5. Face Sheet Interpretation and Narrative Report.

D. Should the DRE student not pass the Comprehensive Final Knowledge Examination, no remedial exam will be allowed. The student will be dismissed from training with a failing score and may reapply for the next selection process.

7.48 Students must satisfactorily complete all certification phases outlined in 2.13 within one calendar year following the commencement of the DRE Pre-School. Students must submit written documentation for each completed phase, and a completed "IACP certification progress log," to the DECP State Coordinator for final approval. Until that time, the student is a DRE Candidate and not certified. If the student does not complete all phases within one year, they will be dismissed and must reapply for DRE training. An extension may be granted by the DECP State Coordinator if requested in writing by an agency's administrator due to unforeseen circumstances.

7.49 Student Dismissal or Withdrawal Penalty

A. If a student voluntarily withdraws from the course, their agency **will not be responsible** for reimbursing the Oregon DECP for any expenses accrued. Voluntary withdrawal includes instances such as of family emergency, illness or injury, or an agency's responsibility to respond to state or local emergencies. All reasonable efforts to reschedule shall be undertaken.

B. If a student is dismissed from DRE Field Certifications for violation of student conduct policies or academic failure, their agency **will be responsible** for reimbursing the Oregon DECP for all expenses accrued. The DECP State Coordinator shall notify the agency in writing of the reason for the dismissal. A sponsoring agency can challenge any charges by writing a letter to the DECP Coordinator who will then meet with the agency representative to reach a final resolution.

C. If the DRE student leaves the training program for any reason prior to completion, all issued equipment must be returned. If returned equipment is found to be unserviceable by the DECP Coordinator, the student's sponsoring agency may be asked to replace it or pay the cost of replacement. A sponsoring agency can challenge any charges by writing a letter to the DECP Coordinator who will then meet with the agency representative to reach a final resolution.

7.5 DRUG RECOGNITION EXPERT INSTRUCTOR DEVELOPMENT COURSE (DRE IDC)

This 40-hour course prepares DREs to be certified as DRE Instructors. The course includes SFST review and a proficiency examination, a review of teaching principles and learning concepts, and demonstration of instructional ability. DREs who previously completed an SFST Instructor Development Course may attend the condensed 16-hour DRE IDC.

7.51 General selection requirements are outlined in 3.1.

7.52 A Course Manager shall be appointed and comply with requirements outlined in 7.13-7.14.

7.53 Only certified DRE Instructors in good standing shall provide instruction.

7.54 DRE IDC Curriculum Requirements:

A. DRE IDCs will be conducted in compliance with the Administrative Guide provided by NHTSA and IACP. Training opportunities for DRE IDCs are scheduled by the DECP State Coordinator.

B. Each student must pass an SFST proficiency test. If a student fails to pass within two separate attempts, they will be dismissed from the class with a failing score and may reapply for the next selection process.

C. Each student must successfully complete the final written examination with a minimum score of 80%. If the student fails to pass the first time, remedial training will be provided by a DRE Instructor and a second attempt will be provided on site. If the student fails on the second attempt, the student will be dismissed from the class and may reapply for the next selection process.

D. There shall be at least three DRE Instructors scheduled per class. If the class size exceeds 10 students, there shall be a minimum of four DRE Instructors.

7.55 Students must satisfactorily complete all certification phases outlined in 3.15 within one calendar year following the commencement of the DRE IDC. Students must submit written documentation for each completed phase and a completed "IACP certification progress log" to the DECP State Coordinator for final approval. Until that time, the student is a DRE Instructor Candidate and not certified. If the student does not complete all phases within one year, they will be dismissed and may reapply for a future selection process.

7.6 DECP COURSE MANAGER TRAINING

This 4-hour course prepares a DRE Instructor to serve as Course Manager for DECP curricula. The training addresses duties and responsibilities, planning and preparing, managing an event, data collection and reporting responsibilities, and policy and procedure.

7.61 Students must be certified DRE Instructors in good standing and have the approval of the DECP State Coordinator.

7.62 Instructors must be certified DRE Instructors in good standing, who have previously completed an IACP-sanctioned DRE Course Manager training. A Course Manager's report is not required.

7.63 DRE Course Manager Training Curriculum Requirements:

A. DECP Course Manager Training will be conducted in compliance with the Administrative Guide provided by NHTSA and IACP. Training opportunities are arranged by the DECP State Coordinator, which may include those scheduled in other states or by IACP at annual conferences.

B. Students must attend all four hours to receive credit.

C. There shall be at least one DRE Instructor scheduled to instruct the course. If the class size exceeds ten students, there shall be at least two DRE Instructors.

7.7 ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT (ARIDE)

This 16-hour course is designed as an intermediate course for law enforcement officers. The goal is to expand knowledge related to the prevalence of drugged-driving and indicators of drug impairment, improve techniques and procedures in drug-impaired driving investigations, and gain an understanding of the DRE program and its function in impaired-driving investigations.

7.71 General Attendance Requirements:

A. Be a sworn peace officer with at least one year of experience.

B. Have successfully completed the 24-hour SFST and 8-hour DID courses.

C. Have practical knowledge and experience in the administration of the Standardized Field Sobriety Tests (SFSTs).

D. Have practical experience in investigating and arresting drug and/or alcohol impaired drivers.

7.72 Oregon State Police Forensic Division toxicologists and municipal or county prosecutors may request permission to audit Oregon DECP curricula. Those requests will be considered by the DECP State Coordinator on a case by case basis. Accepted attendees shall not be present for any written examination, receive credit for completion, or later purport to have related credentials or certification.

7.73 A Course Manager shall be appointed and comply with requirements outlined in 7.13-7.14.

7.74 Only certified DRE Instructors in good standing shall provide instruction. Exceptions to this policy are outlined below and must have the approval of the DECP State Coordinator prior to the class.

A. SFST Instructors are permitted to instruct curriculum related to SFST review and the proficiency examination.

B. A DRE who is also a SFST Instructor may instruct *Session V: Observation of the Eyes and Additional Tests for Drug Impairment*, if accompanied by a DRE Instructor.

C. A state, county or municipal prosecutor may instruct *Session VIII: Pre and Post Arrest Procedures*. The prosecutor must be fully conversant in current DUII case law and investigative procedures.

7.75 ARIDE Curriculum Requirements:

A. ARIDE will be conducted in compliance with the Administrative Guide provided by NHTSA and IACP. Training opportunities for ARIDE are scheduled by the DECP State Coordinator.

B. Each student must pass an SFST proficiency test with 100% mastery. If a student fails to pass within two separate attempts, they will be dismissed from the class with a failing score.

C. Each student must successfully complete the final written examination with a minimum score of 80%. If the student fails to pass the first attempt, remedial training will be provided by a DRE Instructor and a second attempt will be provided on site. If the student fails the second attempt, the student will be dismissed from the class and will receive a failing score.

D. There shall be at least two DRE Instructors scheduled per class. If the class size exceeds 20 students, there shall be a minimum of four DRE Instructors.

7.76 NHTSA Online ARIDE training is available for officers as a means of receiving the training when they are unable to attend the recommended classroom training. However, Oregon DECP strongly supports the ARIDE classroom training as the primary means of completing this training.

A. In order to obtain training credit for Online-ARIDE, the SFST proficiency examination must be proctored by a SFST or DRE Instructor.

B. Proof of completion, including the signature of the involved SFST or DRE Instructor, must be submitted to the Oregon DECP Office for tracking purposes.

7.8 DRUG IMPAIRMENT TRAINING FOR EDUCATIONAL PROFESSIONALS (DITEP)

The purpose of this 16-hour training is to provide school administrators, teachers, and nurses with a systematic approach to recognizing and evaluating individuals in the academic environment who are using and are impaired by drugs, in order to provide early intervention.

Day One: Eight-hour classroom setting which includes information regarding problems of drugs and alcohol in society, state laws, policy, the seven drug categories, and discussing issues with parents.

Day Two: Eight-hour classroom and practical application which include eye examinations, vital signs, divided attention tests, poly-drug use, and assessment guidelines.

7.81 General Attendance Requirements:

A. Day One: Currently commissioned as an Oregon peace officer. For selection purposes, officers working in the schools will have priority. In addition, school staff, administrators, and counselors with approval from the appropriate school district supervisor or administrator will be considered for acceptance.

B. Day Two: An Oregon school nurse, counselor, or administrator.

7.82 A Course Manager shall be appointed and comply with requirements outlined in 7.13-7.14.

7.83 Only certified DRE Instructors in good standing shall provide instruction. The lone exception to this policy is certified DREs in good standing, provided they have completed a 40-hour Instructor development course and are assisted by a certified DRE Instructor. Approval from the DECP State Coordinator must be obtained prior to the class.

7.84 DITEP Curriculum Requirements:

A. DITEP will be conducted in compliance with the Administrative Guide provided by NHTSA and IACP. Training opportunities for DITEP are scheduled by the DECP State Coordinator.

B. In order to receive any training credit, the student must attend the entire day(s) for which they are scheduled.

C. There shall be at least one DRE Instructor scheduled per class. If the class exceeds 20 students, there shall be at least two DRE Instructors.

7.9 DRUGS THAT IMPAIR DRIVING (DID)

The purpose of this Oregon-developed 8-hour training is to provide law enforcement officers with a basic understanding of drug impairment and procedures as they relate to drugged-driving investigations. This course satisfies the legal requirements of Oregon Revised Statute 813.131, governing the request of urine samples in DUII investigations under the Implied Consent Law.

7.91 General attendance requirements:

A. Students must be commissioned Oregon peace officers or currently enrolled as a recruit in a DPSST-approved training academy.

B. Students must have successfully completed the 24-hour SFST course and be able to demonstrate proficiency in the administration of SFSTs.

7.92 Oregon State Police Forensic Division toxicologists and municipal or county prosecutors may request permission to audit Oregon DECP curricula. Those requests will be considered by the DECP State Coordinator on a case by case basis. Accepted attendees shall not be present for any written examination, receive credit for completion, or later purport to have related credentials or certification. Permission to audit Oregon DECP curricula taught as part of a DPSST basic law enforcement academy lies with DPSST.

7.93 A Course Manager is not required for this curriculum, nor is a Course Manager's Report. However, it is the responsibility of the Lead Instructor to report any conflicts, curriculum issues, facility issues or other notable events to the DECP State Coordinator in a timely manner. For DID courses at DPSST, Instructors shall also comply with all reporting requirements stipulated by DPSST.

7.94 Only certified DRE Instructors in good standing shall provide instruction. The lone exception is certified SFST Instructors who are also a certified DRE, provided they are teaching with a certified DRE Instructor.

7.95 DID Curriculum Requirements:

A. This course will be conducted in compliance with the Administrative Guide provided by the Oregon DECP Office.

B. There shall be at least two Instructors scheduled per class. If the class size exceeds 50 students, there shall be at least three Instructors.

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8. OTHER CURRICULA

ORIGINAL: 06/2010 REVISED: 01/2016

DISCUSSION

This policy outlines the internal requirements for SFST Refreshers and SFST Instructor Development Courses arranged for only OSP students, as well as maintenance requirements for OSP SFST Instructors. This policy does not apply to non-OSP personnel.

8.1 STANDARDIZED FIELD SOBRIETY TESTING (REFRESHER)

This four-hour course is designed to refresh SFST administrative procedures, update their understanding of the legal environment surrounding impaired driving enforcement. It is recommended officers take a refresher course every two to three years.

8.11 General Attendance Requirements:

A. Students must be currently commissioned peace officers employed by the Oregon State Police.

B. Students must have successfully completed the 24-hour SFST course.

8.12 Only certified SFST Instructors or DRE Instructors in good standing may provide instruction, grade written examinations, or grade proficiency examinations.

8.13 General Curriculum Requirements:

A. An approved SFST Refresher curriculum must be followed. Curriculum may include a review of SFSTs, an introduction to the seven drug categories, poly-drug use, practical examples, legal updates, and a written or SFST proficiency examination.

B. If a SFST proficiency examination is not offered, students must pass a written examination with a minimum score of 80%. If a student fails the written examination, they must retest with an approved remedial test. If the student fails the remedial written examination, they will be dismissed from the course with a failing score.

C. If a written examination is not offered, students must pass a SFST proficiency examination with 100% mastery within two separate attempts. If a student fails to pass within two separate attempts, they will be dismissed from the class with a failing score.

D. There shall be at least one SFST or DRE Instructor for every ten students.

8.2 STANDARDIZED FIELD SOBRIETY TESTING INSTRUCTOR DEVELOPMENT COURSE

This 40-hour course includes SFST review and a proficiency examination, a review of teaching principles and learning concepts, a demonstration of instructional ability.

8.21 General Attendance Requirements:

A. Students must be sworn peace officers employed by the Oregon State Police.

B. Students must have successfully completed the 24-hour SFST course and the 8-hour DID.

C. Be fully proficient in the administration of SFSTs.

D. Have approval from OSP to attend the course.

8.22 Only certified SFST Instructors or DRE Instructors in good standing may provide instruction, grade written examinations, or grade proficiency examinations. Non-OSP Instructors must have the approval of the DECP State Coordinator.

8.23 General Curriculum Requirements:

A. SFST IDCs will be conducted in compliance with the Administrative Guide provided by NHTSA. Training opportunities for OSP-only SFST IDCs are scheduled by the DECP State Coordinator.

B. Each student must pass the final written examination with a minimum score of 80%. If a student failed to pass the first attempt, a SFST or DRE Instructor will provide on-site remediation. If a student fails to pass the second attempt, they will be dismissed from the course and may reapply for the next selection process.

C. Each student must pass a SFST proficiency examination. If a student fails to pass within two separate attempts, they will be dismissed from the class and may reapply for the next selection process.

D. The SFST Instructor candidate must successfully complete two practice teaching sessions during the SFST IDC.

E. There shall be a minimum of two SFST or DRE Instructors scheduled per class. When the class size exceeds 15 students, there shall be at least three SFST or DRE Instructors scheduled.

8.3 STANDARDIZED FIELD SOBRIETY TEST INSTRUCTOR MAINTENANCE REQUIREMENTS

8.31 **Effective January 1st, 2016:** In order to remain proficient in both instructional material and procedures as an OSP SFST Instructor, Oregon DECP and DPSST have jointly established the following requirements:

A. They must provide a minimum of 12 hours of instruction, which may include alcohol workshops, over a two year period;

B. They must complete a minimum of six hours of approved continuing education in DUII enforcement every two years.

C. Maintain an instructor log, detailing the class date, class size, location and hours of instruction.

8.32 The requirement outlined in 8.31 do not apply to DRE Instructors, who shall abide by recertification requirements stipulated in 4.2.

8.33 **Effective January 1st, 2016:** SFST Instructors shall submit this documentation within thirty days of a request made by the DECP State Coordinator or OSP DUII Coordinator. This does not apply to SFST Instructors who are DREs, as their curriculum vitae documents these activities.

8.34 DRE instructors certified prior to January 1st, 2003, but did not attend a SFST Instructor Course, must maintain their current DRE certification in order to instruct 40-hour, 24-hour or 4-hour SFST curricula.

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9. DRUG RECOGNITION EXPERT CALL-OUT PROCEDURES

ORIGINAL: 06/2010 REVISED: 05/2015

DISCUSSION

This policy provides guidelines for the utilization of Drug Recognition Experts in DUII and other criminal investigations. It outlines DRE call-out procedures and reimbursement of overtime costs associated with those call-outs.

9.1 WHEN DRUG RECOGNITION EXPERTS MAY BE UTILIZED

9.11 Drug Recognition Experts (DRE) should be called upon to assist in DUII investigations when a suspect's level of impairment is inconsistent with their blood alcohol content (BAC), i.e. below a .08%.

9.12 It is recommended a DRE be contacted to assist in traffic collision investigation cases under the following conditions:

A. When the driver of a vehicle involved in a traffic crash has been placed under arrest for DUII or related criminal charges, and physical evidence developed during the investigation substantiates drug use as a possible cause of impairment; or

B. If the traffic collision results in a fatality or serious physical injury and based upon the opinion of the investigator or supervisor a DRE is needed to determine drug/medical impairment.

9.13 DREs may be utilized by their agency or partner agencies in certain other criminal investigations where drug and/or alcohol impairment may be a mitigating or aggravating factor (e.g. assault, homicides, etc.). However, in these cases, the Oregon DECP will not reimburse the agency for overtime accrued in performance of duties related to such investigations.

9.2 DRUG RECOGNITION CALL-OUT PROCEDURES

9.21 Whenever feasible, on-duty DREs should be utilized unless their response time is substantially protracted and an off-duty DRE can respond sooner.

9.22 If no on-duty DREs are available in the local area, the requesting agency may elect to call-out local off-duty DREs individually, using a current list of DREs provided by the Oregon DECP Office.

9.23 In order to expedite response times, DREs are encouraged to obtain pre-approval to respond to DRE callouts without case-by-case supervisor approval.

9.24 The requesting agency may also contact the Oregon State Police Northern Command Center (NCC) or Southern Command Center (SCC) and request a call-out page for that area.

9.25 NCC/SCC supervisor will notify the DECP State Coordinator via email for follow-up on DRE unavailability issues.

9.26 Currently, ODOT – TSD provides funding for DRE call-out expenditures. The DRE Overtime Grant will reimburse the DRE's agency for costs related to travel, the DRE evaluation, and lodging of toxicological evidence. This is generally accepted to mean a contractual call-back (e.g. three or four hours), but may be less or exceed that depending on individual circumstances and collective bargaining agreements.

A. This reimbursement does not include report writing, court, or other DRE administrative duties outside the hours of callback.

B. Overtime reimbursement requests must be accompanied by the DRE report when submitted to the Oregon DECP Office.

C. In the event ODOT – TSD grants for overtime reimbursement are discontinued, or when the annual grant is exhausted, overtime incurred for call-outs will become the responsibility of the individual DRE's agency.

APPENDIX

International Standards for Drug Evaluation Classification Program

IACP Forms

IACP Recertification & Assurances

IACP DRE Update Form

Oregon DECP Forms

DRE Evaluation Form

DRE Overtime Reimbursement Request

DRE Form 49 – Forensic Services Request

DRE Form 50 – Legacy Laboratories Request

DECP Policies & Procedures Acknowledgement

DRE Recertification Form

DRE Instructor and curriculum forms are available at the Oregon DECP Office

4.24 Appendix A.pdf

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Oregon State Police

Sex Offender Law Enforcement Website

USER AUTHORIZATION FORM

PERSONAL INFORMATION

NAME (First, MI, Last)			
Mother's Maiden Name			
Date of Birth		Email Address	
Job Title			
Reason for Access			

AGENCY INFORMATION

Agency Name					
Supervisor/Division				Supervisor Approval	
ORI		Phone	( )		
City		State		Zip Code	

I have read the Computerized Records Access Agreement signed by my agency, and agree to the terms and conditions set forth within that agreement. I understand the importance of password security and will not disclose my password or let others use the system while logged in under my name and password. My failure to abide by the conditions of this agreement could result in suspension or termination of the database. I furthermore acknowledge the information contained in the full information page of the database is provided for law enforcement purposes only and should not be disclosed to registered sex offenders or the public.

Signature Date

Please fax the completed form to:
Oregon State Police
Attn: Sex Offender Registration Unit
(503) 378-6300

A security password is required to access this system. Please direct any questions to:

Cathie Riches
(503) 934-0185

City of Gresham Emergency Operations Plan.pdf

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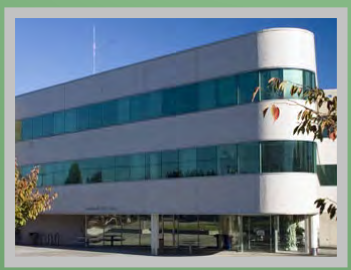
CITY OF GRESHAM

Emergency Operations Plan

August 2009



Prepared for:

Prepared by:

ecology and environment, inc.
International Specialists in the Environment

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City of Gresham, Multnomah County

EMERGENCY OPERATIONS PLAN

August 2009

Prepared for:

City of Gresham
Emergency Management
1333 NW Eastman Parkway
Gresham, OR 97030

Prepared by:

Ecology and Environment, Inc.
333 SW Fifth Avenue, Suite 600
Portland, OR 97204

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Executive Summary

The City of Gresham, Oregon Emergency Management Program is governed by a wide range of laws, regulations, plans, and policies. The program is administered and coordinated by the Gresham Police Department. The program receives its authority from Oregon Revised Statutes, which are the basis for Oregon Administrative Rules. The National Response Framework, the National Contingency Plan, the State of Oregon Emergency Management Plan, and the Multnomah County Emergency Operations Plan provide planning and policy guidance to counties and local entities. Collectively, these documents support the foundation for this City Emergency Operations Plan (EOP).

This EOP is an all-hazard plan describing how the City will organize and respond to events. It is based on, and is compatible with, the laws, regulations, plans, and policies listed above. The plan describes how various agencies and organizations in the City will coordinate resources and activities with other Federal, State, County, local, tribal, and private-sector partners. The EOP was developed in conjunction with the Multnomah County Emergency Operations Plan and the EOPs of other surrounding jurisdictions. Use of the National Incident Management System (NIMS) and Incident Command System (ICS) is a key element in the overall City response structure and operations.

It is recognized that responses to emergencies and disasters are initiated to maximize the safety of the public and to minimize property damage. These are the primary responsibilities of government in emergency management. It is the goal of Gresham that responses to such conditions are performed in the most organized, efficient, and effective manner possible. To aid in accomplishing this goal, the Mayor and Gresham City Council formally adopted NIMS as the standard for emergency management on May 3, 2005.

Gresham public officials, departments, and employees that perform emergency and/or first response functions must be properly prepared. Elected officials and department heads shall ensure that necessary training is provided to themselves and their employees to further increase the level of preparedness of Gresham staff in successfully carrying out assigned emergency response roles. All emergency response personnel and essential support staff in Gresham must be familiar with this plan and its supporting procedures and documents.

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Letter of Promulgation

Date: _____

The Gresham Emergency Operations Plan (EOP) is hereby authorized to be the official plan for the City of Gresham. This plan is designed to provide effective coordination among government agencies at the city, County, and State levels, volunteer organizations, and the private sector prior to, during, and after a threat or actual occurrence of a natural or man-made emergency or disaster. This plan is applicable to all elements of industrial and private/non-profit organizations assigned responsibilities hereunder or engaged in or in support of emergency operations under this plan. Periodic exercises will be scheduled to provide familiarity with emergency functions.

The signatories to this EOP concur with the concepts, requirements, and assignments of the emergency operations functions, including all annexes and appendices found therein.

The Gresham EOP is intended to, and shall be interpreted to, give effect to the purposes of the Oregon Revised Statutes and shall not be interpreted to increase the liability of the City of Gresham or any signatory.

This EOP supersedes the Gresham EOP dated September 1, 2007.

Signatories to the EOP shall execute their acceptance in counterpart, originals of which shall be filed with the Gresham City Recorder.

Shane Bemis Mayor	Richard Strathern Council President
Carol Nielsen-Hood Councilor	David Widmark Councilor
Paul Warr-King Councilor	Shirley Craddick Councilor
Josh Fuhrer Councilor	DATE

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Plan Administration

Record of Plan Changes

The Gresham Emergency Operations Plan, including appendices and annexes, will be reviewed and approved on an annual basis. All updates and revisions to the plan will be tracked and recorded in the following table. This process will ensure the most recent version of the plan is disseminated and implemented by emergency response personnel.

Date	Change No.	Summary of Changes
2009	Original Release	

Plan Distribution List

Copies of this plan have been provided to the following jurisdictions, agencies, and persons. Updates will be provided to all agencies on this list. The recipient will be responsible for updating the EOP documents when changes are received. The Gresham Emergency Program Manager is ultimately responsible for all plan updates.

Date	No. of Copies	Jurisdiction/Agency/Person
	1	City of Fairview-Police Department
	1	City of Troutdale-Police Department
	1	City of Wood Village-Public Works
	1	Gresham Citizen Corp
	1	Gresham Community Services
	1	Gresham DES Operations Center
	5	Gresham Emergency Operations Center
	1	Gresham Fire and Emergency Services
	3	Gresham Office of Emergency Management
	1	Gresham Police Department
	1	Mt Hood Community College
	1	Multnomah County Emergency Management
	1	Oregon Emergency Management
	1	Portland Office of Emergency Management

EOP Assignments

Unless otherwise stated, the following table identifies agencies responsible for the review of specific plan sections and annexes. Changes will be forwarded to the Emergency Management Director for revision and dissemination of the plan. This does not preclude other departments and agencies with a vital interest in the annex from providing input to the document; such input is, in fact, encouraged.

Section/Annex	Responsible Party
Basic Plan	Gresham Emergency Management Department
Functional Annexes (FAs)	
FA1 – Alert and Warning	Gresham Emergency Management Department and Communications/Community Outreach
FA2 – Emergency Declarations	Gresham Emergency Management Department
FA3 – Continuity of Government	Gresham Emergency Management Department
FA4 – Damage Assessment	Gresham Emergency Management Department and Communications/Community Outreach
FA5 – Communications	Gresham Emergency Management Department and Communications/Community Outreach
FA6 – Resource Management	Gresham Emergency Management Department
FA7 – Public Information	Gresham Emergency Management Department and Communications/Community Outreach
FA8 – Medical Operations	Gresham Emergency Management Department Gresham Fire and Emergency Services
FA9 – School Crisis Management	Gresham Emergency Management Department
FA10 – Evacuation	Gresham Emergency Management Department
FA11 – Business and Industry	Gresham Emergency Management Department
FA12 – Disaster Assistance	Gresham Emergency Management Department
FA13 – Debris Management	Gresham Emergency Management Department Gresham Department of Environmental Services
FA14 – Donations Management	Gresham Emergency Management Department
FA15 – Pet Sheltering	Gresham Emergency Management Department
FA 16 – Sheltering and Feeding	Gresham Emergency Management Department

Section/Annex	Responsible Party
Incident Annexes (IAs)	
IA1 – Weather Emergencies	Gresham Department of Environmental Services
IA2 – Earthquake	Gresham Department of Environmental Services
IA3 – HAZMAT Incidents	Gresham Fire and Emergency Services/ HAZMAT
IA4 – Flood	Gresham Department of Environmental Services
IA5 – Fire Emergencies	Gresham Fire and Emergency Services
IA6 – Transportation Emergencies	Gresham Public Works Department Multnomah County Transportation Division
IA7 – Civil Disturbance	Gresham Police Department
IA8 – Terrorism	Gresham Police Department Gresham Emergency Management Department
IA9 – Volcano	Gresham Department of Environmental Services
IA10 – Pandemic Flu	Multnomah County Health Department Gresham Emergency Management Department
IA11 – Cyber Attack	Gresham Division of Information Technology

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FA 7 Public Information
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FA 9 School Crisis Management
FA 10 Evacuation
FA 11 Business and Industry
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FA 14 Donations Management
FA 15 Pet Sheltering
FA 16 Sheltering and Feeding

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Basic Plan

1 Introduction

1.1 General

The Emergency Operations Plan (EOP) provides a framework for coordinated response and recovery activities during any type or size of emergency that may occur in Gresham, Oregon's fourth most populated city and home to over 100,000 residents. The plan also provides specific information regarding direction and control, with guidance for all first responders and governmental agencies on strategic and tactical procedures supporting all phases of an emergency. This EOP complements the Oregon Emergency Management Plan and the National Response Framework (NRF).

This EOP establishes policies and procedures that, in cooperation and coordination with other public and private agencies, will protect life and minimize damage to property resulting from natural, technical, or human-caused disaster. It also:

- Directs use of the National Incident Management System (NIMS) and the Incident Command System (ICS) to manage emergencies in the city;
- Prescribes the official lines of succession and authority for the City to ensure continuity of government and emergency management;
- Defines the natural and man-made hazards of which the community should be aware and against which all entities and response agencies can assess their preparedness;
- Describes roles, authorities, and responsibilities of departments, agencies, organizations, and individuals involved in conducting response operations;
- Designates the Gresham Emergency Operations Center (EOC) as the focal point to monitor and coordinate response activities and provides guidance on EOC operational procedures;
- Outlines clear guidelines and procedures for ensuring consistent and timely releases of emergency public information; and

- Prescribes procedures and criteria for requesting and allocating essential resources to support emergency operations.

The Gresham EOP is divided into three main parts. The Basic Plan, consisting of Sections I– III, contains policies and procedures that are all-hazard in nature. The Functional Annexes (FAs) contain more detail regarding specific activities, roles, and responsibilities along the lines of major tasks and capabilities as outlined in the National Response Framework (NRF). The Incident Annexes (IAs) outline plans and procedures in relation to specific hazards and incidents that have been identified through the Gresham Hazard Mitigation planning process as needing specific attention and specialized procedures. Both the FAs and IAs are intended to supplement the Basic Plan.

This EOP has been developed in accordance with, and under provisions of, Oregon Revised Statutes (ORS), Chapter 401, Gresham City Ordinance 1193, Gresham City Ordinance 2769, Gresham Emergency Statute 7.45, and the Gresham Emergency Management Program Directive.

Homeland Security Presidential Directive-5 directed the Secretary of Homeland Security to develop and administer NIMS and the NRF. NIMS, including ICS, enhances the management of emergency incidents by establishing a single comprehensive system and coordinated command structure to help facilitate a more efficient response among departments and agencies at all levels of government and, if necessary, spanning across jurisdictions.

Other Federal laws, regulations, policies, and concepts that were incorporated into this EOP include:

- Disaster Mitigation Act of 2000;
- Robert T. Stafford Disaster Relief and Emergency Assistance Act;
- U.S. CFR Title 44: Emergency Management and Assistance; and
- FEMA Response and Recovery Policy No. 9525.4.

1.2 Activating the Plan

This EOP should be activated any time there is an immediate or anticipated need to support the effective coordination of resources, and in circumstances beyond normal daily operations. More detailed information regarding criteria for plan activation can be found in Section II of this EOP, as well as within the FAs and IAs.

For emergencies significant enough to warrant the activation of the Gresham EOC, the Basic Plan would be activated along with all relevant Functional and Incident Annexes. The Gresham City Manager has the authority to activate this EOP and will have the ability to obtain guidance and recommendations from the

Gresham Emergency Management Department as well as agency-based subject-matter experts. If the City Manager is unavailable to activate the EOP as advised by emergency management and response personnel, authority is delegated to the Executive City Manager or the "Acting in Charge" (AIC). For emergencies that do not warrant setting up the EOC, it will be up to the City Manager to identify which sections of this plan will require activation.

1.3 Relationships to Other Plans

1.3.1 State of Oregon Emergency Management Plan

The Oregon Emergency Management Plan (EMP) was developed, revised, and published by the Director of Oregon Emergency Management (OEM) under the provisions of ORS 401.270, which are designed to coordinate the activities of all public and private organizations that provide emergency services within this state and to provide for and staff a State Emergency Coordination Center (ECC) to aid the Governor. ORS 401.035 makes the Governor responsible for the emergency services system within Oregon. The Director of OEM advises the Governor and coordinates the State's response to an emergency or disaster.

The Oregon EMP includes three volumes.

- Volume I: *Preparedness and Mitigatio*n includes plans and guidance necessary for State preparation to resist a disaster's effects. Sections include disaster hazard assessment, the Emergency Management Training and Exercise Program, and plans to mitigate (or lessen) a disaster's physical effects on citizens, the environment, and property.

- Volume II *Emergency Operations Plan* referred to as the Basic Plan, broadly describes how the State uses organization to respond to emergencies and disasters. It delineates the emergency management organization and includes a Hazard Specific Plans and Procedures appendix. Volume II describes management functional areas common to most major emergencies or disasters, such as communications, public information, and others.

- Volume III: *Relief and Recover*y provides State guidance, processes, and rules for assisting Oregonians with recovery from a disaster's effects. It includes procedures for use by government, business, and citizens.

Activation and implementation of the Oregon EMP (or specific elements of the plan) may occur under various situations. The following criteria would result in activation of the EMP, including the EOP in Volume II:

- The Oregon Emergency Response System (OERS) receives an alert from an official warning point or agency, indicating an impending or probable incident or emergency;
- The Governor issues a "State of Emergency;"
- A statewide disaster is imminent or occurring;
- Terrorist activities or Weapons of Mass Destruction WMD incidents are occurring or imminent;
- An alert, site emergency, or general emergency is declared at the Washington Hanford Nuclear Reservation in Washington State or at the research reactors at Oregon State University and/or Reed College;
- A community emergency (or other appropriate Chemical Stockpile Emergency Preparedness Program Emergency Classification Level) involving the Umatilla Chemical Depot occurs;
- A localized emergency escalates, adversely affecting a larger area or jurisdiction and exceeding local response capabilities;
- A geographically-limited disaster requires closely coordinated response by more than one State agency.
- An affected City or County fails to act.

1.3.2 County and Adjacent City Emergency Operations Plans

While the Gresham EOP outlines the response operations and escalation pathways for incidents affecting the city, the Multnomah County EOP provides a basis for multi-agency coordination of large-scale incidents within the county. The following incorporated municipalities within Multnomah County either have NIMS-compliant plans or are in the process of developing EOPs that are scheduled to be complete by the end of 2009:

- City of Portland (has a current plan, but is being updated during 2009);
- City of Fairview (in development);
- City of Maywood Park (in development);
- City of Troutdale (in development); and
- City of Wood Village (in development).

All city EOPs, as well as the Multnomah County EOP, will be similar in format and content, and each plan will complement the other where applicable to ensure

streamlined emergency planning and response efforts among jurisdictions within the county.

1.3.3 Gresham-Specific Plans and Procedures

The following plans are available to supplement this EOP and to provide additional and specific guidance to Emergency Management:

- Multnomah County EOP,
- Portland Area Chemical, Biological, Radiological, Nuclear, and Explosives (CBRNE) Response Plan;
- Portland Evacuation Plan;
- School Reunification Plan;
- Bull Run Headwaters Emergency Action Plan (EAP);
- Water Division Emergency Response Plan; and
- Williams Pipeline Public Safety Response Plan.

1.3.4 Gresham Continuity of Operations and Government Plans

Gresham maintains Continuity of Operations Plans (COOP) and Continuity of Government (COG) plans. These plans may be used in conjunction with the EOP during various emergency situations. The COOP and COG detail the processes for accomplishing administrative and operational functions during emergencies that may disrupt normal business activities. A key component of these plans is the identification of "essential functions" of local government, community services, and private/public sector activities. These plans delineate procedures developed to support their continuation though a disaster or emergency where limited resources will need to be prioritized along the lines of essential function definitions to ensure that critical services are brought back online as quickly as possible and in a sequence that best meets the needs of the community.

1.4 Declaring an Emergency

In accordance with the Gresham Emergency Code 7.45, the City Manager is responsible for determining if a state of emergency exists. If a positive determination is made, the City Manager will draft the declaration and request that the Mayor call a special meeting of the City Council to ratify the declaration. The declaration shall describe the nature of the emergency, delineate the geographic boundaries of the affected area(s), and state any special regulations that are imposed as a result of the emergency.

If the disaster or emergency is of such severity that the City needs a state of emergency proclamation from the Governor, the local declaration must be in writing, ratified by the Gresham City Council, and forwarded to Multnomah County OEM in accordance with ORS 401.055. For complete details regarding the process for declaring an emergency, including templates for declarations and roles/responsibilities of personnel, refer to FA 2 – Emergency Declarations.

During an emergency, any agent of State or local government, or any emergency service worker engaged in emergency service activities outlined by ORS 401.515 are not liable for death or injury to any person, or damage or loss of property, as a result of that activity except in cases of willful misconduct, gross negligence, or bad faith. Any officer, employee, or agent of the Federal government or another state who is accepted by the Gresham emergency management agency to act as an emergency service worker becomes an agent of local government and therefore has the same liability protection.

During an actual emergency or disaster, the City of Gresham will insert itself into a network of State, County, and local emergency management structures to ensure real-time coordination of response activities and resource allocation processes. At the local level, major city departments and divisions are included in the incident command structure at the Gresham EOC. For emergencies that are multi-jurisdictional in nature, liaisons may be placed at the Multnomah County EOC if necessary. Space will be made in the Gresham EOC to allow for a county liaison, as well as liaisons from the other cities and towns located within the county, to be co-located with Gresham emergency management officials in order to improve communications and situational awareness.

1.5 Phases of Emergency Management

This plan adheres to the emergency management principle of all-hazards planning, which is predicated on the fact that most responsibilities and functions performed during an emergency are not hazard-specific. It should be noted that this is an *emergency operations plan* rather than a *comprehensive emergency management plan*, as its emphasis is on *incident* management rather than on *program* management. That said, this plan impacts, and is impacted by, activities conducted before and after any emergency operations take place. Consequently, a brief description of the four phases of emergency management is provided below.

1.5.1 Mitigation

Mitigation is defined as any action taken to reduce or eliminate the long-term risk to human life and property from hazards, with a focus on breaking the cycle of disaster damage reconstruction and repeated damage. The City of Gresham Natural Hazard Mitigation Plan is the primary document that identifies specific hazards and potential measures to minimize the impact that these hazards may have on the community. Mitigation activities are an important aspect of preparedness and provide a foundation across the incident management spectrum

from prevention through response and recovery; they can occur before and after emergencies.

1.5.2 Preparedness

NIMS states that "effective incident management begins with a host of preparedness activities conducted on a steady-state basis, well in advance of any potential incident." Preparedness activities take place before a disaster or emergency occurs. Activities that support Gresham's preparedness include planning, training, exercises, and purchasing of equipment and supplies.

1.5.3 Response

The term "response," as outlined in the NRF, describes actions that must be taken immediately to ensure life safety, protection of property and the environment, and the meeting of basic human needs. Response activities take place during an emergency or disaster and include the activation of this EOP.

1.5.4 Recovery

Recovery activities take place after an emergency and make up the process of returning to a post-emergency state where the affected area is returned to pre-event conditions (or better and more resilient than before). Recovery includes activities such as obtaining financial assistance to help pay for repairs and restoration of services.

The four phases of emergency management represent a cycle of preparedness in which the results of one phase feeds into the others to continually improve the capabilities of the City of Gresham to mitigate, prepare for, respond to, and recover from a disaster.

1.6 Preparedness Overview

1.6.1 Community Profile

The city of Gresham is located in east Multnomah County, Oregon. It is bounded by the city of Portland to the west and the towns of Fairview and Wood Village to the north. To the east and south, unincorporated rural areas of Multnomah County surround Gresham. The area to the east of Gresham is largely farmland interspersed with rural residential development. As of the creation of this EOP, there are approximately 100,000 residents living within the city limits.

Gresham is located to the east of I-205 and just south of I-84. The Highway 30 by-pass and Highway 26 both pass through the city. Gresham shares, with the rest of east Multnomah County, a good east-west, north-south arterial grid that provides convenient local access. The area is serviced by a regional transit system (Tri-Met) that provides both bus and light rail service through the greater Portland Metropolitan area. The light rail system (MAX) provides mass transportation to

downtown Portland and Hillsboro (in Washington County). The city's most important bridges are on arterials or pass above Tri-Met light rail lines. The newest of the area's bridges was built in the mid-80's.

A disproportionate burden is placed upon special populations groups, in particular minority groups and the poor, during an emergency or disaster. This section briefly describes Gresham's vulnerable populations and special needs groups that have been considered during the development of this EOP. Since census data are primarily updated every ten years (with smaller modeling and sampling occurring in off-years), it will be important to identify special population changes and trends during the annual EOP review process.

According to the 2003 American Community Survey, approximately 15% of Gresham residents were living in poverty. Nineteen percent of these residents are children under the age of 18. These residents are less likely to live in housing that can withstand natural hazards and are less likely to have the resources to prepare for and recover from a disaster.

Table 1 identifies the ethnic demographics of Gresham, as outlined in the 2006 Gresham Hazard Mitigation Plan. Consideration must be given to potential language and cultural differences when preparing for and responding to emergencies.

Table 1-1 Demographics for the City of Gresham

Race	Number	Percent
White	77,034	82.7%
African American	2,373	1.9%
American Indian/Alaska Native	2,474	0.9%
Asian	3,510	3.3%
Native Hawaiian/Pacific Islander	687	0.3%
Hispanic or Latino	11,505	11.9%
Other	4,776	7%

Note: Percentages do not add up to 100% because survey respondents were allowed to indicate multiple races.

The elderly may also be disproportionately impacted during a disaster. The vulnerability of elderly populations can vary quite significantly, based on health, age, and economic security. As a group, however, the elderly are more apt to lack the physical and economic resources necessary for take care of themselves during an emergency and are more likely to suffer health-related consequences. Approximately 10% of Gresham's population is over 65 years of age.

ORS 401.272 outlines requirements for Oregon OEM to collaborate with the State Department of Agriculture and county/local governments to plan for the care of companion, service, and livestock animals during an emergency. Plans should allow for service animals to be evacuated together with their owners and should establish a sufficient number of evacuation shelters that are capable of sheltering

companion and service animals in close proximity to the human shelters. Gresham's plans for supporting pet sheltering operations can be found in FA15.

1.6.2 Hazard Analysis

The following text summarizes key features and assumptions, in association with the population demographic information listed previously, that were used in developing the Hazard Mitigation Plan and may have relevance to emergency management officials when implementing this EOP in response to a natural hazard emergency.

Several small rivers are located within Gresham's urban growth boundary, which include tributaries of the Sandy River (Kelly Creek) and Johnson Creek. Some of these rivers and streams have mapped floodplains indicating that flooding is a relevant hazard for Gresham. The northern part of the city contains a portion of the Columbia River floodplain. There are levees on the Columbia that protect the city from most flooding. The levees are located in Multnomah County, and they are maintained by the Multnomah County Drainage District. Gresham contains that are prone to flooding.

The climate in the region generally consists of wet winters and dry summers. Most of the precipitation falls between October and May. Heavy winter rains can result in flooding and contribute to landslide vulnerability, while cold snaps can result in ice and snowstorms. On average, the region experiences only five days per year of measurable snow. While snow is relatively rare in western Oregon, however the Columbia Gorge provides a low-level passage through the mountains that can contribute to snowfall from time to time. Cold air lying east of the Cascades often moves westward through the Gorge and funnels cold air into the Gresham area. If a wet Pacific storm happens to reach the area at the same time, larger than average snow events may result. This situation may also result in ice storms. All of these climatic events are regional in nature; heavy rains and snowstorms that affect Gresham will typically affect all of Multnomah County... Higher elevations tend to receive more rain and snow than lower elevations.

The possibility of an earthquake is relevant to Gresham. Most of the Pacific Northwest lies within the Cascadia Subduction Zone where the Juan de Fuca and North American plates meet. The convergence of these tectonic plates puts most areas of western Oregon and Washington at risk for a catastrophic earthquake with a magnitude of 8.0 or higher. Gresham lies in this area of risk, and several smaller faults have been located inside the city limits.

There are several buttes within Gresham's city limits. These steep slope areas may be susceptible to landslides. The types of vegetation and trees in these areas may also make them more vulnerable to wildfires.

The impact of a natural hazard event can disrupt automobile traffic and shut down local transit systems across the region, making evacuation difficult. Hazards such

as localized flooding can render roads unusable and hinder the ability for emergency response personnel to reach victims or critical infrastructure components.

Certain hazards have been deemed highly probable, while others have been determined to have relatively low probability but high impact. All hazards that meet these categories have been identified, and IAs have been developed to outline specific procedures necessary to respond to these particular hazards. For more detailed information, including relevant maps and figures of areas that are susceptible to specific hazards, refer to the individual hazard-specific IAs within this EOP or the 2006 Natural Hazard Mitigation Plan.

The following hazards have been identified through the development of Gresham's 2006 Hazard Mitigation Plan, as well as through other planning efforts, as having enough significance to warrant an individual IA and would likely require activation of this EOP:

- Weather Emergencies,
- Earthquake,
- Hazardous Materials (HazMat) Incidents (accidental releases),
- Flooding,
- Fire Emergencies,
- Transportation Emergencies,
- Civil Disturbance,
- Terrorism, and
- Volcanic Activity,
- Pandemic Influenza, and
- Cyber Attack.

More detailed information on the individual hazards, relative risks, affected areas, and historical/projected probabilities of occurrences can be found in Section 3 of the City of Gresham's Natural Hazard Mitigation Plan.

1.6.3 Capability Assessment

Capability assessment is a process used by the jurisdiction to determine its capabilities and limits in order to prepare for and respond to the hazards listed above. The City of Gresham has standing resources that belong to the jurisdiction

and can be immediately called upon during an emergency. The following list identifies the key resources that are available internally to the City:

- HazMat Team 3 (HazMat3) (Station 73),
- Heavy Rescue/Urban Search and Rescue Team (USAR) (Station 71),
- Special Weapons and Tactics (SWAT) Team,
- Water Rescue Team (Station 75), and
- Boeing HazMat Technicians.

In the event that an emergency or disaster exceeds these internal resources, or requires resources not immediately available or directly controlled by Gresham, the City has several avenues to increase response capabilities. One method is to submit a resource request from the City up to the County (and beyond if necessary) to officially request a particular asset. Another is to utilize standing Memoranda of Understanding (MOU). A list of current MOUs can be found in FA6 – Resource Management.

Through the development of this EOP, the City of Gresham's Hazard Mitigation Plan, and other documents, the City of Gresham has identified potential hazards, implemented mitigation steps, attained resources, and trained personnel to respond to the identified hazards. The City will continually evaluate its ability to mitigate, prevent, respond to, and recover from incidents that may affect Gresham.

More detailed information regarding Gresham's capabilities is addressed in the FAs and IAs. This allows the jurisdiction to address the unique readiness issues and limitations for each specific hazard and/or emergency management function and supports a more focused, comprehensive review by the respective lead agencies that typically own or control the resources that produce the capabilities. The City of Gresham will review this EOP every five years. This review process will include personnel from each lead agency, as defined in this plan. Furthermore, a review of Gresham's Hazard Analysis/Hazard Mitigation Plan will be conducted every five years.

1.6.4 Mitigation Program

The 2006 Natural Hazard Mitigation Plan outlines a short- and long-term strategy for Gresham. The plan covers the actions taken in advance to minimize the impact likely to result from an emergency. Potential protection, prevention, and mitigation strategies for critical infrastructure, high-risk targets, key assets, and the community at large are outlined in more detail within that document.

The mitigation programs identified during the development of the Natural Hazard Mitigation Plan focus on conducting additional hazard-specific risk assessments

(e.g., a hazardous tree inventory), risk reduction actions (e.g., land acquisition to preserve open space in floodplains), increasing the resiliency of the local economy, public education and awareness, and plan implementation actions (e.g., identification of funding opportunities). Many of the mitigation programs will be implemented locally through existing government programs. Such programs include, but are not limited to:

- City of Gresham Comprehensive Plan,
- Gresham Building Code,
- City of Gresham Budget,
- Five-Year Capital Improvement Program,
- Transportation System Plan,
- Gresham Water Division Emergency Response Plan,
- Regional Assessment of Critical Infrastructure, and
- Regional Business Plan.

The City of Gresham follows a process of identifying, quantifying, and evaluating hazards and risks, with subsequent cost-benefit analyses and recommendation of plans and projects for funding and implementation through the local Hazard Mitigation Technical Advisory Committee. Appropriate agencies and subject-matter experts are brought in as needed to support development of sector-specific plans. For plans and mitigation projects that cross from the public to the private sector, collaboration among all relevant community partners should be conducted to ensure that plans and projects are in line with other mitigation activities. In addition, since funding will often be a limiting factor in implementing a particular strategy, both public and private stakeholders can work together to identify additional sources of funding or cost-sharing agreements.

In accordance with the Disaster Mitigation Act of 2000, the City of Gresham must continue to involve the public in aspects of hazard mitigation planning beyond the original planning process. To support the Mitigation Plan's goal of "*promoting public education, awareness, and understanding of risk*," several action items have been outlined in the 2006 Hazard Mitigation Plan to facilitate public involvement. These action items have been implemented and include:

- Development of a public official information kit that can be distributed to elected officials and community decision makers;
- Establishment of a seasonal citizen awareness and outreach campaign;

- Development of an education program to make homeowners aware of non-structural mitigation option to reduce the risks from wildfires; and
- Development of an earthquake awareness and mitigation assistance outreach program aimed at low-income residents who may not speak English.

In 2006, the City of Gresham completed a Natural Hazard Mitigation Plan using the Federal Emergency Management agency (FEMA) Hazard Mitigation Planning "How To" Guides. The Mitigation Plan development process involves stakeholders from local government agencies, non-profit and business sector partners, and hazard subject-matter experts, and the Gresham plan is integrated into the Multnomah County Hazard Mitigation Plan as an addendum. Stakeholders were engaged through a combination of interviews and meeting forums to develop a comprehensive identification of the community profile and a risk assessment. The risk assessment led to the development of mitigation plan goals and action items intended to reduce the risk of identified hazards. This plan is scheduled to be reviewed annually, with a major update scheduled every five years.

1.6.5 Continuity of Government/Operations

The City of Gresham has developed and maintains current COOP/COG plans for the jurisdiction. These plans describe the essential functions performed by the City, as well as the alternate facilities, procedures, processes, and other guidelines that facilitate the continuation of essential functions during disasters and emergencies. Refer to the applicable COOP/COG plans, which are available from the Gresham Emergency Management Department as stand-alone documents separate from this EOP.

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2 Concept of Operations

The Concept of Operations, or CONOPS, outlines situational information and assumptions as well as all-hazards procedures that frame response operations. Roles and responsibilities of key personnel, as well as agencies and organizations at the local, County, and State levels, are outlined in the CONOPS. This section provides an overview of the key assumptions that have been incorporated into this EOP, along with a description of the scope of functions that local agencies will accomplish during an emergency.

2.1 General CONOPS

This EOP has been developed as an all-hazards plan, with particular focus on incidents, hazards, and vulnerabilities that have been identified through the completion of a Hazard Vulnerability Analysis and assessment of the unique characteristics and community composition of the city of Gresham. Response activities will be based upon an all-hazards approach (basic plan) to emergency management with application of specific functional and incident-specific annexes, procedures, and policies, depending on the details of the emergency.

NIMS is the prescribed method for responding to and recovering from any emergency in the City of Gresham, and ICS will be the basis for the organizational structure for all responses. The level of response is intended to be scalable and flexible to meet the needs of the severity of the emergency or disaster and can be modified at any time as the situation dictates.

ORS 401.015 establishes that preparing for and responding to emergencies is a local government responsibility. This EOP should be activated any time there is a need or strong potential need for resources not normally available to emergency response agencies. This includes management and coordination of large-scale events, requesting and obtaining unique equipment or services, and any time additional assistance and resources are sought from County, State, or Federal government.

The majority of Gresham residents live in an urban setting, although there are suburban and rural areas within the city. Growth management policy has resulted in more apartment complexes and denser habitation in the urban areas. There are also an increasing number of senior care facilities. Ethnic minorities comprise

approximately 10% of the population. The city enjoys a strong business and industry sector ranging from high-tech manufacturing to small retail services.

Incidents begin and end locally. All response activities will be based on the concept that incidents must be managed at the lowest possible jurisdictional level and supported by additional capabilities when needed. Environmental, technological, and civil emergencies may be of such magnitude and severity that County, State, and Federal assistance is required.

Most disasters are not constrained by political boundaries, and the impact of most hazards potentially affecting our City will extend to neighboring incorporated and unincorporated areas of East County. Due to the resources and capabilities contained within Gresham, an emergency that affects the smaller nearby towns of Maywood Park, Troutdale, Wood Village, or Fairview may require substantial direct emergency management support from Gresham as well as multi-agency coordination from Multnomah County. In addition, large-scale disasters within Gresham may spill over into these jurisdictions. If these situations occur, Gresham and the adjacent jurisdictions will evaluate the need to establish a Unified Command.

There is an extensive network of mutual aid agreements among the four East Multnomah County cities, the County, State agencies and adjoining jurisdictions. A listing of Gresham mutual aid agreements is located within Appendix A.

Copies of these agreements are available from the listed City departments. Descriptions of the contents and employment of mutual aid agreements can also be found in the relevant FAs and IAs where applicable.

Essential City services will be maintained as long as conditions permit.

Emergency response often requires decisions to be made quickly under adverse conditions. Emergency conditions may require actions that are not listed in this plan, or which run counter to guidelines suggested.

2.2 Operational CONOPS

In accordance with ORS 401.035, the City Manager as executive officer is responsible for the emergency services system within Gresham. In the event that the City Manager is unavailable, the responsibility falls upon the members of the City Council to oversee all emergency operations, including Incident Command and EOC Staff operations.

Implementation of the plan commences when the Gresham City Manager (or his/her designee) determines that the severity of the situation warrants activation of the EOP to reduce the threat to life and/or property.

When circumstances warrant, the City Manager convenes the Gresham Emergency Operations Policy Group. Members include City Councilors, the

Mayor, City Attorney, and selected City staff members. The Policy Group advises the City Manager regarding recommendations for a Declaration of Emergency; Emergency Powers to be implemented, whether to seek State or Federal assistance, and other policy issues.

The focal point for emergency management coordination is the Gresham Emergency Operations Center. The primary EOC is located in the Gresham City Hall, 1333 NW Eastman Parkway, on the ground floor in the three main conference rooms.

The alternate EOC is located at the DES Operations Center at 2123 SE Hogan Road. Detailed facility descriptions and operating procedures are provided in the EOC Operations Plan.

All incident-related activities are conducted under direction of a designated Incident Commander (IC), who has authority to: 1) prioritize response and recovery priorities; 2) allocate all available City resources; and 3) initiate communication with external agencies. The IC may activate selected elements or full operation of the Emergency Operations Center. The IC has the authority to re-assign City personnel to assist in response.

The City of Gresham has the legal authority to order a mandatory evacuation in accordance with ORS 401.309. If a mandatory evacuation within the Gresham city limits is warranted, a signed state of emergency declaration followed by a resolution by the Gresham City Council mandating the evacuation must be completed.

During an emergency situation, all City Departments will put their emergency operations plans and operating guidelines into limited or full operation, as necessary.

Day-to-day government functions that do not contribute directly to response actions may be suspended during an emergency. Those functions and associated resources may be diverted to Gresham's emergency management agency to support the accomplishment of response tasks.

Recovery operations may occur simultaneously with response activities.

Operational situation and status reports will be made by incident management staffs based upon severity of the emergency or anticipated emergency, to include:

- Estimated time and location of impact, and
- Date, time, and location of the actual emergency.

Such reports will be forwarded to the Mayor, City Manager, Department Directors, Emergency Management, and EOC staff, and affected jurisdictions as appropriate.

2.3 Assignment of Roles and Responsibilities

This section provides an overview of the key functions and procedures that local agencies will accomplish during an emergency, including the roles of local, County, and State agencies. This EOP is built upon the idea that emergency response activities performed by public and private sector entities are closely aligned with day-to-day roles and responsibilities. The Fire and Police Departments, as well as the Department of Environmental Services, maintain notification rosters and department-specific Standard Operating Procedures (SOP).

2.3.1 Lead City Agencies

Within Gresham, lead agencies are designated for hazard-specific emergencies based on their levels of responsibility for day-to-day operations in the major areas typically impacted during that specific hazard event. Lead agencies assume primary responsibility for incident-specific planning (see list below). In addition, during an actual response, these agencies may have specific roles and responsibilities that are outlined in the FAs and IAs of this EOP.

2.3.1.1 Gresham Department of Environmental Services

- Weather Emergencies
- Earthquake
- Flooding
- Volcano
- Landslide/mudslide
- Power/Utility Failure

2.3.1.2 Gresham Fire Department

- HazMat Incidents
- Fire and Explosion
- Transportation
- Radiological
- Structure Collapse
- Fuel Shortage

2.3.1.3 Gresham Police Department

- Civil Disturbance
- Terrorism

2.3.1.4 Gresham Finance and Management Services

- Business Interruption

Lead Agencies are required to complete the following activities:

- Develop and maintain assigned hazard-specific annex;
- Coordinate all annex-related response activities and operating protocols with affected agencies/organizations; and
- Recruit and train qualified personnel to serve in the position of Operations Section Chief during a lead agency hazard-specific incident.

2.3.2 Local Elected Officials and Key City Management Personnel

The City of Gresham operates with a Mayor/City Council form of local government. There are six City Councilors, one of which is the Council President. The responsibilities of these individuals are as follows:

2.3.2.1 Mayor

- Call for an assembly of the Gresham City Council to ratify a declaration of emergency.

2.3.2.2 Council President

- The Council President has mayoral responsibilities in the event of the Mayor's absence or incapacitation. See Section 17 of the City Charter.

2.3.2.3 City Council/Individual Councilors

- Upon receiving a recommendation for a local disaster declaration from the City Manager, the City Council will formally meet as a voting body to ratify the declaration.

2.3.2.4 City Manager

- Oversee the drafting of the Declaration of Emergency or Disaster, approve content, to include specific Emergency Powers to be invoked, sign the Declaration, and route the Declaration to the City Council for ratification.

- Assume the role of the Gresham EOC IC or identify and delegate responsibility to a qualified person.
- Convene the Emergency Operations Policy Group, as necessary.
- Ensure that critical EOC positions are staffed with qualified personnel.
- Coordinate with neighboring jurisdictions and external agencies.

2.3.2.5 Gresham Emergency Program Manager

- Coordinate City disaster and emergency planning activities with counterparts at County, State, and adjacent local jurisdiction levels.
- Provide advice and counsel to the City Manager/EOC IC during an emergency.
- Facilitate development and maintenance of the various groups and committees prescribed in this plan.
- Facilitate addressing staffing needs of the EOC and other Emergency Management functions.

2.3.2.6 City Departments Managers/Directors

- Encourage employees to volunteer for positions on the EOC Teams and provide on-duty time for training and exercises.
- Provide qualified personnel to assist the IC in response operations as department subject-matter experts as requested.
- Establish a notification/recall system to determine safety status of employees and their families, as well as to identify availability to support response activities during a disaster or emergency.

Within the Multnomah County EOP, County-based agencies and departments have been assigned roles and responsibilities that are aligned with the 15 Emergency Support Functions (ESFs) delineated in the NRF.

The City of Gresham maintains active programs with Community Emergency Response Teams (CERT), “Map Your Neighborhood” Team Leaders, Amateur Radio, and other government-sponsored volunteer resources. Gresham recognizes the important role that volunteer agencies play in emergency preparedness, response, and recovery. The use of trained volunteers to support the City of Gresham in an emergency or disaster is encouraged. Other volunteer organizations and community-based support can include the following:

- Oregon Trail Chapter of the American Red Cross,
- The Salvation Army,
- Civil Air Patrol,
- Local church/religious groups, and
- Private Sector organizations/affiliations.

Table 1-1 shows which County agencies are designated as the Primary Agencies for the various ESFs. The purpose for including these crosswalks in this EOP is to allow local responders to have a greater understanding of how the County, State, and Federal response and support entities will be organized. Gresham's EOC and overall incident command structure will not be grouped into ESF division.

Table 1-2 Multnomah County Primary Agencies by ESF

ESF	Primary Agency	Scope
ESF #1 Transportation	DCS/Trans (R&B)	– Aviation/airspace management and control – Transportation safety – Restoration/recovery of transportation infrastructure – Movement restrictions – Damage and impact assessment
ESF #2 Communications	MCEM MCSO	– Coordination with telecommunications and information technology industries – Restoration and repair of telecommunications infrastructure – Protection, restoration, and sustainment of national cyber and information technology resources – Oversight of communications within the Federal incident management and response structures
ESF #3 Public Works and Engineering	DCS/Trans (R&B)	– Infrastructure protection and emergency repair – Infrastructure restoration – Engineering services and construction management – Emergency contracting support for life-saving and life-sustaining services

Table 1-2 Multnomah County Primary Agencies by ESF

ESF	Primary Agency	Scope
ESF #4 Firefighting	MCEM	– Coordination of Federal firefighting activities – Support to wildland, rural, and urban firefighting operations
ESF #5 Emergency Management	MCEM	– Coordination of incident management and response efforts – Issuance of mission assignments – Resource and human capital – Incident action planning – Financial management
ESF #6 Mass Care, Emergency Assistance, Housing, and Human Services	MCHD	– Mass care – Emergency assistance – Disaster housing – Human services
ESF #7 Logistics Management and Resource Support	MCEM	– Comprehensive, national incident logistics planning, management, and sustainment capability – Resource support (facility space, office equipment and supplies, contracting services, etc.)
ESF #8 Public Health and Medical Services	MCHD	– Public health – Medical – Mental health services – Mass fatality management
ESF #9 Search and Rescue	MCSO	– Life-saving assistance – Search and rescue operations
ESF #10 Oil and Hazardous Materials Response	MCEM	– Oil and hazardous materials (chemical, biological, radiological, etc.) response – Environmental short- and long-term cleanup
ESF #11 Agriculture and Natural Resources	MCHD MCAS	– Nutrition assistance – Animal and plant disease and pest response – Food safety and security – Natural and cultural resources and historic properties protection and restoration – Safety and well-being of household pets

Table 1-2 Multnomah County Primary Agencies by ESF

ESF	Primary Agency	Scope
ESF #12 Energy	MCEM	– Energy infrastructure assessment, repair, and restoration – Energy industry utilities coordination – Energy forecast
ESF #13 Public Safety and Security	MCSO	– Facility and resource security – Security planning and technical resource assistance – Public safety and security support – Support to access, traffic, and crowd control
ESF #14 Long-Term Community Recovery	BOC MCEM	– Social and economic community impact assessment – Long-term community recovery assistance to States, local governments, and the private sector – Analysis and review of mitigation program implementation
ESF #15 External Affairs	BOC	– Emergency public information and protective action guidance – Media and community relations – Congressional and international affairs – Tribal and insular affairs

Similar to the Multnomah County EOP, the OR OEM EMP has also designated primary and support responsibilities to State agencies and departments. One major difference to note is that the State uses SSF (State Support Functions) as opposed to ESF. This is only a matter of semantics; and the ESF/SSF is identical in terms of roles and responsibilities during an emergency. Table 3 is a crosswalk that shows which state agencies are designated as the primary and supporting Agencies for the various SSFs.

Table 1-3 State Support Function (SSF) Agency Crosswalk

Key: P – Primary Agency S – Support Agency A – Adjunct Agency	1 – Transportation	2 – Communications	3 - Public Works and Engineering	4 – Fire Fighting	5 – Emergency Management	6 – Mass Care, Housing, and Human Services	7 – Resource Support	8 – Public Health and Medical Services	9 – Search and Rescue	10 – Oil and Hazardous Materials	11 – Food and Agriculture	12 – Energy	13 – Public Safety and Security	14 – Long-Term Community Recovery and Mitigation	15 – External Affairs
State Agencies															
Aviation, Department of	S				S				S				S		
Administrative Service, Department of	S	**P**	S		S	S	**P**	S				**P**	S	S	S
Agriculture, Department of					S	S	S	S			**P**			S	
Consumer & Business Services, Department of															
Building Code Division			S		S										
Occupational Safety and Health															
Corrections, Department of	S				S										
Economic and Community Development					S									**P**	
Energy, Department of	S				S		S			S		**P**			
Environmental Quality, Department of			S		S					**P**					
Fish and Wildlife, Department of					S			S		S			S		
Forestry, Department of	S	S		**P**	S	S				S					
Geology & Mineral Industries, Department of			S		S										
Human Services, Department of/Public Health Division					S	**P**		**P**	S	S					
Housing and Community Services					S	S								S	
Justice, Department of					S								**P**		
Military Department, Oregon	S	S	S	S	S	S	S	S	S		S	S	S		S
Office of Emergency Management		**P**			**P**		S		**P**	S				S	**P**
Public Utility Division		S			S							**P**			
State Lands, Division of	S		S		S					S					
State Police		S			S					S			**P**		S
State Fire Marshall		S		**P**	S				**P**	**P**					
Transportation, Department of	**P**	S			S		S		S	S		S	S		S
Water Resources, Department of			S		S		S								
Other Agencies															
American Red Cross					A	A		A	A		A				
ARES/RACES					A										
Civil Air Patrol	A		A						A	A					

Table 1-3 State Support Function (SSF) Agency Crosswalk

Key: P – Primary Agency S – Support Agency A – Adjunct Agency	1 – Transportation	2 – Communications	3 - Public Works and Engineering	4 – Fire Fighting	5 – Emergency Management	6 – Mass Care, Housing, and Human Services	7 – Resource Support	8 – Public Health and Medical Services	9 – Search and Rescue	10 – Oil and Hazardous Materials	11 – Food and Agriculture	12 – Energy	13 – Public Safety and Security	14 – Long-Term Community Recovery and Mitigation	15 – External Affairs
National Weather Service				A											
OR Volunteer Organizations Active in Disaster						A									
U.S. Army Corps of Engineers												A		A	
U.S. Coast Guard	A		A						A	A					

2.4 Initial Incident Notification, Alert, and Warning for Response Partners

When a disaster strikes or when an emergency situation is probable, alerting the appropriate authorities and response partners will be essential to protecting life and preserving property. This section of the EOP CONOPS describes procedures for notifying response partners that a disaster has just occurred or may occur. It is important to note that notification of the public and community at large is covered in both FA-1 – Alert and Warning and FA-7 – Public Information.

2.4.1 Incident Action Levels

The Gresham EOP may be activated daily at Level 1 during routine emergency response operations by Police, Fire, and DES personnel. In addition, the plan may be selectively (Level 2) or fully (Level 3) activated, depending on the situation.

- **LEVEL 1:**
  Any element of this plan is available at any time to deal with a routine emergency. Any field-based IC, Deputy Chief, Division Manager, or member of the Emergency Management staff may implement selected elements of this plan to deal with a routine emergency. ICs normally initiate requests for specific support through their departments or through the designated lead agency. The Gresham Emergency Program Manager is available to assist field commanders in locating

resources or arranging selective staffing of EOC functions needed to support incident operations as needed.

- **LEVEL 2:**
  This level involves situations where the scope or scale of the incident requires multiple agency response; specialized resources; or the incident expands to the point where the IC needs additional resources to effectively handle the situation. The IC may request partial or full activation of the EOC through Police Records and the Emergency Program Manager. Once specific staffing needs have been determined, EOC Team members on standby will be requested to fill the positions and perform the actions requested by the IC.

- **LEVEL 3:**
  This level represents a situation or major incident that requires full activation of the EOC (earthquake, airplane crash, school shooting, etc.). The situation could be characterized by an immediate situation that requires coordinated response by multiple agencies at different levels to save lives and protect property. Police Records initiates a call-out of the standby EOC Team, who report immediately to the EOC. Members of the EOC Team not on standby will communicate their availability to the EOC as soon as practical. The IC should confirm EOC activation with Police Records.

2.5 Logistics and Resource Management

This mechanism is used to identify and acquire resources in advance of a disaster, especially to overcome gaps possibly identified in a capability assessment. In accordance with NIMS, resources are defined as "personnel, teams, facilities, supplies, and major items of equipment available for assignment to or use during incidents." For resources owned by the City, equipment resource lists are maintained by the Fleet Department and the DES.

NIMS prescribes a system for classifying resources; this system is referred to as "Resource Typing." The purpose of resource typing is to create a common nomenclature and classification scheme so that emergency management agencies can effectively request and allocate resources to respond to the emergency. The resource typing protocol used by NIMS describes resources using the data definitions provided in Table 1-4.

Table 1-4 NIMS Resource Typing Classifications

NIMS Classification	Definition	Options
Category	Function that the resource supports.	– Transportation – Communications – Public Works and Engineering – Firefighting – Information and Planning – Law Enforcement and Security – Mass Care – Resource Management – Health and Medical – Search and Rescue – Hazardous Materials Response – Food and Water – Energy – Public Information – Animals and Agricultural Issues – Volunteers and Donations
Kind	Refers to broad classes that characterize similar resources	– Teams – Personnel – Equipment – Supplies – Vehicles – Aircraft
Components	Identifies separate capabilities or components contained within a single resource	For example, a search and rescue team may have the following components: two-person search teams, four search canines, and an equipment cache.
Metrics	Measurements that identify capability or capacity	Examples are gallons per hour, seats per bus, number of meals, etc.
Type	Refers to the level of resource capability	– Type I (greatest capability) – Type II – Type III – Type IV (least/smallest capability)

A major disaster in Gresham is likely to trigger the need to receive, process, and deliver donated goods and services to victims. Oregon OEM and the Oregon Volunteer Organizations Active in Disaster (ORVOAD) have developed a plan called the Oregon Donations Management System. A decision to activate the system will depend on the nature and severity of the event or the logistics support necessary to handle donated goods. When activated, OEM and ORVOAD will

jointly manage the system in close coordination with Gresham, County, and Federal representatives.

Whenever the situation warrants, the Logistics Section Chief will coordinate with participating Citizen Corps Council agencies to establish a Gresham Donation Coordination Team (DCT). The DCT will develop incident-specific procedures to manage donated goods and services, financial assistance, volunteer resources, and establishment of distribution points across the jurisdiction. If the State donation management plan is activated, the Logistics Section Chief will establish a Gresham Donation Coordination Team DCT. Donations management is discussed in more detail in FA14 – Donations Management.

2.6 EOC Documentation

The collection of information from response to recovery will be needed to ensure adequate information sharing, documentation of costs, and after action reporting. FEMA ICS forms, Applied Technology Council (ATC) Damage Assessment forms, cost recovery forms, and email traffic are just a few of the methods by which the City of Gresham will ensure thorough documentation of actions and activities during response and recovery operations. The Documentation Branch within the EOC will have the primary responsibility of ensuring that actions and events are recorded.

2.7 Cost Recovery and Reimbursement

Records such as ICS forms and damage assessments must be utilized, recorded, stored, and maintained to provide a clear description of resources utilized, funds expended, and losses to property and equipment. These records will be vital to the development of requests for reimbursement under FEMA's Public Assistance Program. The Finance/Administration Section of the EOC will have primary responsibility for supporting cost recovery and reimbursement activities. Additional information regarding cost reimbursement for both the public and private sectors can be found in FA12 – Disaster Assistance.

3 Plan Development and Maintenance

3.1 Plan Review and Maintenance

At a minimum, this EOP will be formally reviewed and re-promulgated every five years to comply with State requirements. This review will be coordinated by City of Gresham Emergency Management and will include participation by members from each of the departments assigned as lead agencies in the executive summary of this EOP. This review will:

- Verify contact information;
- Assess the status of resources noted in the plan; and
- Evaluate the procedures outlined in this plan to ensure their continued viability.

In addition, lead agencies will review the annexes and appendices assigned to their respective departments. A more frequent schedule for plan review and revision may be necessary.

Recommended changes should be forwarded to:

Gresham Emergency Management
1333 NW Eastman Parkway
Gresham, OR 97030-3813

3.2 Training Program

The City of Gresham coordinates with Multnomah County Emergency Management, as well as with surrounding jurisdictions, to provide coordinated emergency management training. Gresham Emergency Management specifically coordinates training for City personnel and encourages personnel to participate in trainings hosted by other jurisdictions throughout the region.

Current training and operational requirements set forth under NIMS have been adopted and implemented by the City of Gresham. Gresham Emergency Management maintains records and lists of training received by City personnel. Training requirements apply to all first responders and disaster workers, including

first-line supervisors, middle management, and command and general staff. NIMS identifies these positions as follows:

- Emergency Medical Service (EMS) personnel;
- Firefighters;
- Law Enforcement personnel;
- Public works/utility personnel;
- Skilled support personnel;
- Other emergency management response personnel; and
- Support/volunteer personnel at all levels.

Table 3-1 provides the minimum training requirements for City of Gresham emergency personnel.

Table 3-1 City of Gresham Minimum Training Requirements

Emergency Managers and Incident Commanders	ICS-100, -200, -300, -400 IS-700, -800
Other Command Staff, Section Chiefs, and Deputy Section Chiefs	ICS-100, -200, -300 IS-700
All other EOC personnel and first responders	ICS-100, -200 IS-700
All other emergency response personnel, including volunteers	ICS-100 IS-700
Independent study courses can be found at http://training.fema.gov/IS/crslist.asp.	

3.3 Exercise Program

The City of Gresham will conduct exercises throughout the year to continually test and evaluate this EOP. Whenever feasible, the City of Gresham will coordinate with neighboring jurisdictions, the County, the State, and the Federal government to participate in joint exercises. These exercises will consist of a variety of tabletop exercises, drills, functional exercises, and full-scale exercises.

As appropriate, the City of Gresham will use Homeland Security Exercise and Evaluation Program (HSEEP) procedures and tools to develop, conduct, and evaluate these exercises. Information about the HSEEP program can be found at http://hseep.dhs.gov.

Gresham Emergency Management will work with other City departments to identify and implement corrective actions and mitigation measures, based on exercises conducted through the Emergency Management department.

3.4 Event Critique and After Action Reporting

In order to document and track lessons learned from exercises, the Emergency Management Division will conduct a review, or "hot wash," with exercise participants after each exercise. Gresham Emergency Management will also coordinate an After Action Report (AAR), which will describe the objectives of the exercise and document the results of the evaluation.

Similarly, reviews and AARs will be facilitated after an actual disaster to document activities performed during the incident and to improve the readiness of the City of Gresham.

3.5 Community Outreach and Preparedness Education

Educational tools are used to teach the public about threats, disasters, and what to do when an emergency occurs. The City of Gresham maintains an active community preparedness program and recognizes that citizen preparedness and education are vital components of the City's overall readiness.

Formal programs include:

- Citizen Corp, including:
  - CERT,
  - Neighborhood Watch,
  - Fire Corp,
  - Citizen Corp Council, and
  - Volunteers in Police;
- Map Your Neighborhood; and
- Are You Ready?

The CERT Program is offered in the fall and spring each year. CERT provides citizens with seven weeks of disaster preparedness training, including basic disaster preparedness information, disaster medicine, fire suppression, light search and rescue techniques, and disaster psychology. Are Your Ready? workshops are offered quarterly. Using the Are You Ready? workbook, citizens are trained in the basics of disaster preparedness. Map Your Neighborhood is a neighborhood organizing tool designed to bring together a group of neighbors to "map" out how they would respond to a disaster as a neighborhood group. Along with these formal training programs, the City reaches out to citizens with preparedness information at various community events throughout the year.

Information about the City's public education programs, hazard and mitigation information, and other emergency management/emergency services information can be found on the City's website at www.GreshamOregon.gov.

A Sample Disaster Declaration Forms

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DECLARATION OF STATE OF EMERGENCY

To: _____,
Multnomah County Office of Emergency Management

From: _____,
City of Gresham, Oregon

At _____ (time) on _____ (date),

a/an _____ (description of emergency incident or event type) occurred in the City of Gresham threatening life and property.

The current situation and conditions are:

_____

_____

_____

The geographic boundaries of the emergency are:

_____

_____

I DO HEREBY DECLARE THAT A STATE OF EMERGENCY NOW EXISTS IN THE CITY OF GRESHAM AND THAT THE CITY HAS EXPENDED OR WILL SHORTLY EXPEND ITS NECESSARY AND AVAILABLE RESOURCES. I RESPECTFULLY REQUEST THAT THE COUNTY PROVIDE ASSISTANCE, CONSIDER THE CITY AN "EMERGENCY AREA" AS PROVIDED FOR IN ORS 401, AND, AS APPROPRIATE, REQUEST SUPPORT FROM STATE AGENCIES AND/OR THE FEDERAL GOVERNMENT

Signed: _____

Title: _____ Date & Time: _____

This request may be passed to the County via radio, telephone, or FAX. The original signed document must be sent to the County Emergency Management Office, with a copy placed in the final incident package.

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B Incident Command System Forms

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Index of Incident Command System (ICS) Forms

The following ICS forms are included in this appendix.

ICS Form No.	Form Title
ICS Form 201	Incident Briefing
ICS Form 202	Incident Objectives
ICS Form 203	Organization Assignment List
ICS Form 204	Assignment List
ICS Form 205	Incident Radio Communications Plan
ICS Form 206	Medical Plan
ICS Form 207	Organizational Chart
ICS Form 209	Incident Status Summary
ICS Form 210	Status Change Card
ICS Form 211	Check-in List
ICS Form 213	General Message
ICS Form 214	Unit Log
ICS Form 215	Operational Planning Worksheet
ICS Form 215a	Incident Action Plan Safety Analysis
ICS Form 216	Radio Requirements Worksheet
ICS Form 217	Radio Frequency Assignment Worksheet
ICS Form 218	Support Vehicle Inventory
ICS Form 219-2	Green (Crew)
ICS Form 219-4	Blue (Helicopter)
ICS Form 219-6	Orange (Aircraft)
ICS Form 219-7	Yellow (Dozer)
ICS Form 220	Air Operations Summary
ICS Form 221	Demobilization Plan
ICS Form 226	Individual Performance Rating
ICS Form 308-1	Resource Order Form (front)
ICS Form 308-2	Resource Order Form (back)
ICS Form 308-3	Resource Order Form (example)

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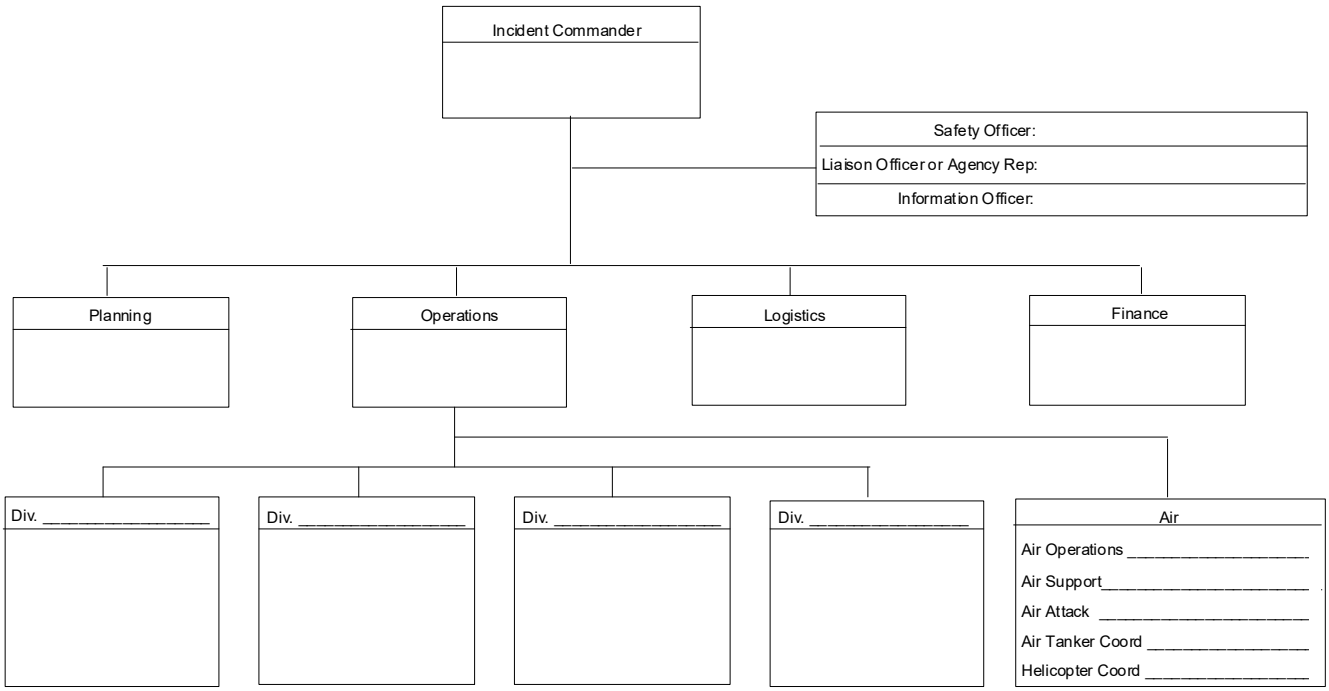
INCIDENT BRIEFING	1. Incident Name	2. Date	3. Time

4. Map Sketch

5. Current Organization



Page 1 of	6. Prepared by (Name and Position)

6. Resources Summary				
Resources Ordered	Resource Identification	ETA	On Scene	Location/Assignment

7. Summary of Current Actions

Page 2 of	

INCIDENT OBJECTIVES	1. Incident Name	2. Date	3. Time

4. Operational Period

5. General Control Objectives for the Incident (include alternatives)

6. Weather Forecast for Period

7. General Safety Message

8. Attachments (mark if attached)

☐ Organization List - ICS 203	☐ Medical Plan - ICS 206	☐ (0ther)
☐ Div. Assignment Lists - ICS 204	☐ Incident Map	☐
☐ Communications Plan - ICS 205	☐ Traffic Plan	☐

9. Prepared by (Planning Section Chief)	10. Approved by (Incident Commander)

ICS 202

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ORGANIZATION ASSIGNMENT LIST

1. Incident Name	
2. Date	3. Time
4. Operational Period	

Position	Name
5. Incident Commander and Staff	
Incident Commander	
Deputy	
Safety Officer	
Information Officer	
Liaison Offier	
6. Agency Representative	
Agency	Name
7. Planning Section	
Chief	
Deputy	
Resources Unit	
Situation Unit	
Documentation Unit	
Demobilization Unit	
Technical Specialists	
Human Resources	
Training	
8. Logistics Section	
Chief	
Deputy	
Supply Unit	
Facilities Unit	
Ground Support Unit	
Communications Unit	
Medical Unit	
Security Unit	
Food Unit	

9. Operations Section		
Chief		
Deputy		
a. Branch I - Division/Groups		
Branch Director		
Deputy		
Division/Group		
Division/Group		
Division/Group		
Division/Group		
Division/Group		
b. Branch II - Division/Groups		
Branch Director		
Deputy		
Division/Group		
Division/Group		
Division/Group		
Division/Group		
Division/Group		
c. Branch III - Division/Groups		
Branch Director		
Deputy		
Division/Group		
Division/Group		
Division/Group		
Division/Group		
Division/Group		
d. Air Operations Branch		
Air Operations Branch Director		
Air Attack Supervisor		
Air Support Supervisor		
Helicopter Coordinator		
Air Tanker Coordinator		
10. Finance Section		
Chief		
Deputy		
Time Unit		
Procurement Unit		
Compensation/Claims Unit		
Cost Unit		
Prepared by (Resource Unit Leader)		

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DIVISION ASSIGNMENT LIST	1. Branch	2. Division/Group
3. Incident Name	4. Operational Period Date: Time:	

5. Operations Personnel			
Operations Chief		Division/Group Supervisor	
Branch Director		Air Attack Supervisor No.	

6. Resources Assigned this Period

Strike Team/Task Force/ Resource Designator	Leader	Number Persons	Trans. Needed	Drop Off PT./Time	Pick Up PT./Time

7. Control Operations

8. Special Instructions

9. Division/Group Communication Summary

Function	Frequency	System	Channel	Function	Frequency	System	Channel
Command		King NIFC		Logistics		King NIFC	
Tactical Div/Group		King NIFC		Air to Ground		King NIFC	

Prepared by (Resource Unit Leader)	Approved by (Planning Section Chief)	Date	Time

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INCIDENT RADIO COMMUNICATIONS PLAN	1. Incident Name	2. Date/Time Prepared	3. Operational Period Date/Time

4. Basic Radio Channel Utilization

Radio Type/Cache	Channel	Function	Frequency/Tone	Assignment	Remarks
King NIFC					
King NIFC					
King NIFC					
King NIFC					
King NIFC					
King NIFC					
King NIFC					
King NIFC					

5. Prepared by (Communications Unit)

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MEDICAL PLAN	1. Incident Name	2. Date Prepared	3. Time Prepared	4. Operational Period

5. Incident Medical Aid Station

Medical Aid Stations	Location	Paramedics Yes	No

6. Transportation

A. Ambulance Services

Name	Address	Phone	Paramedics Yes	No

B. Incident Ambulances

Name	Location	Paramedics Yes	No

7. Hospitals

Name	Address	Travel Time Air	Ground	Phone	Helipad Yes	No	Burn Center Yes	No

8. Medical Emergency Procedures

Prepared by (Medical Unit Leader)	10. Reviewed by (Safety Officer)

ICS 206

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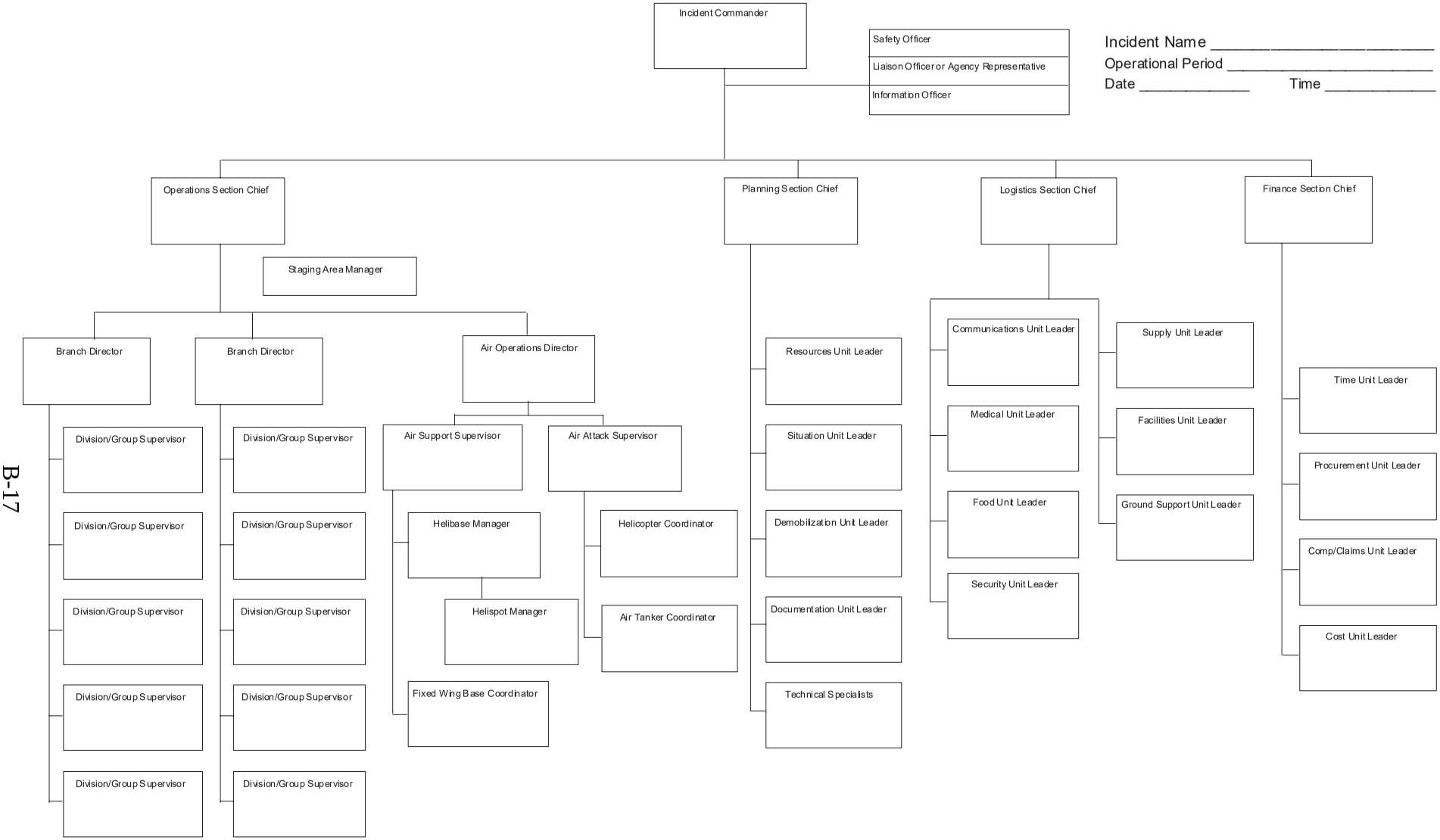
Incident Name _____
Operational Period _____
Date _____ Time _____



ICS 207

NFES 1332

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INCIDENT STATUS SUMMARY
FS-5100-11

1. Date/Time	2. Initial ☐ Update ☐ Final ☐	3. Incident Name	4. Incident Number

5. Incident Commander	6. Jurisdiction	7. County	8. Type Incident	9. Location	10. Started Date/Time

11. Cause	12. Area Involved	13. % Controlled	14. Expected Containment Date/Time	15. Estimated Controlled Date/Time	16. Declared Controlled Date/Time

17. Current Threat	18. Control Problems

19. Est. Loss	20. Est Savings	21. Injuries	Deaths	22. Line Built	23. Line to Build

24. Current Weather	25. Predicted Weather	26. Cost to Date	27. Est. Total Cost
WS Temp	WS Temp		
WD RH	WD RH		

28. Agencies

29. Resources																							TOTALS	
Kind of Resource	SR	ST	SR	ST	SR	ST	SR	ST	SR	ST	SR	ST	SR	ST	SR	ST	SR	ST	SR	ST	SR	ST	SR	ST
ENGINES																								
DOZERS																								
CREWS Number of Crews:																								
Number of Crew Personnel:																								
HELICOPTERS																								
AIR TANKERS																								
TRUCK COS.																								
RESCUE/MED.																								
WATER TENDERS																								
OVERHEAD PERSONNL																								
TOTAL PERSONNEL																								

30. Cooperating Agencies

31. Remarks

32. Prepared by	33. Approved by	34. Sent to: Date Time By

General Instructions

Completion of the Incident Status Summary will be as specified by Agency or municipality. Report by telephone, teletype, computer, or facsimile to the local Agency or municipality headquarters by 2100 hours daily on incidents as required by Agency or municipality (reports are normally required on life threatening situations, real property threatened or destroyed, high resource damage potential, and complex incidents that could have political ramifications). Normally, wildland agencies require a report on all Class D (100 acres plus) and larger incidents (unless primarily grass type in which case report Class E (300 acres or larger). The first summary will cover the period from the start of the incident to 2100 hour the first day of the incident, if at least four hours have elapsed; thereafter the summary will cover the 24 hour period ending at 1900 (this reporting time will enable compilation of reporting data and submission of report to local agency or municipality headquarters by 2100 hours) daily until incident is under control. Wildland fire agencies will send the summary to NIFC by 2400 hours Mountain Time.

1. Enter date and time report completed (mandatory).
2. Check appropriate space (mandatory).
3. Provide name given to incident by Incident Commander or Agency (mandatory).
4. Enter number assigned to incident by Agency (mandatory).
5. Enter first initial and last name of Incident Commander (optional).
6. Enter Agency or Municipality (mandatory).
7. Enter County where incident is occurring (optional).
8. Enter type of incident, e.g. wildland fire (enter fuel type), structure fire, hazardous chemical spill, etc. (mandatory).
9. Enter legal description and general location. Use remarks for additional date if necessary (mandatory).
10. Enter date and zulu time incident started (mandatory - maximum of six characters for date and four characters for time).
11. Enter specific cause or under investigation (mandatory).
12. Enter area involved, e.g. 50 acres, top three floors of building, etc. (mandatory).
13. Enter estimate of percent of containment (mandatory).
14. Enter estimate of date and time of total containment (mandatory).
15. Enter estimated date and time of control (mandatory).
16. Enter actual date and time fire was declared controlled (mandatory).
17. Report significant threat to structures, watershed, timber, wildlife habitat or other valuable resources (mandatory).
18. Enter control problems, e.g. accessibility, fuels, rocky terrain, high winds, structures (mandatory).
19. Enter estimated dollar value of total damage to date. Include structures, watershed, timber, etc. Be specific in remarks (mandatory).
20. Enter estimate of values saved as result of all suppression efforts (optional).
21. Enter any serious injuries or deaths which have occurred since the last report. Be specific in remarks (mandatory).
22. Indicate the extent of line completed by chains or other units of measurement (optional).
23. Indicate line to be consturcted by chains or other units of measurement (optional).
24. Indicate current weather conditions at the incident (mandatory).
25. Indicate predicted weather conditions for the next operational period (mandatory).
26. Provide total incident cost ot date (optional).
27. Provide estimated total cost for entire incident (optional).
28. List agencies which have resources assigned to the incident (mandatory).
29. Enter resource information under appropriate Agency column by singe resource or stike team (mandatory).
30. List by name those agencies which are providing support (e.g. Salvation Army, Red Cross, Law Enforcement, National Weather Service, etc. mandatory).
31. The Remarks space can be used to (1) list additional resources not covered in Section 28/29; (2) provide more information on location; (3) enter additional information regarding threat control problems, anticipated release or demobilization, etc.(mandatory).
32. This will normally be the Incident Situation Status Unit Leader (mandatory).
33. This will normally be the Incident Planning Section Chief (mandatory).
34. The ID of the Agency entering the report will be entered (optional).

DESIGNATOR
NAME/ ID. NO. _____

_____

STATUS

☐ ASSIGNED ☐ AVAILABLE ☐ O/S REST
☐ O/S MECHANICAL ☐ O/S MANNING
_____ ETR (O/S= Out of Service)

FROM	LOCATION	TO
	DIVISION/GROUP	
	STAGING AREA	
	BASE/ICP	
	CAMP	
	ENROUTE	ETA
	HOME AGENCY	

MESSAGES

RESTAT
TIME_____ PROCESS ☐

ICS STATUS CHANGE CARD
FORM
210 6/83 NFES 1334

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INCIDENT CHECK-IN LIST

Check one:

☐ Personnel ☐ Handcrew ☐ Misc.
☐ Engines ☐ Dozers
☐ Helicopters ☐ Aircraft

1. Incident Name

2. Check-In Location (complete all that apply)

☐ Base ☐ Camp ☐ Staging Area ☐ ICP Restat ☐ Helibase

3. Date/Time

Check-In Information

4. List Personnel (overhead) by Agency & Name -OR- List equipment by the following format: Agency	Single	Kind	Type	I.D. No/Name	5. Order/Request Number	6. Date/ Time Check-In	7. Leader's Name	8. Total No. Personnel	9. Manifest Yes	Manifest No	10. Crew or Individual's Weight	11. Home Base	12. Departure Point	13. Method of Travel	14. Incident Assignment	15. Other Qualifications	16. Sent to RESTAT Time/Int

Page 2 of				17. Prepared by (Name and Position) *Use back for remarks or comments*													

GENERAL MESSAGE		
TO:	POSITION:	
FROM:	POSITION:	
SUBJECT:	DATE:	TIME:
MESSAGE:		
SIGNATURE:	POSITION:	
REPLY:		
DATE:	TIME:	SIGNATURE/POSITION:

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UNIT LOG	1. Incident Name	2. Date Prepared	3. Time Prepared
4. Unit Name/Designators	5. Unit Leader (Name and Position)		6. Operational Period

7. Personnel Roster Assigned		
Name	ICS Position	Home Base

8. Activity Log	
Time	Major Events

9. Prepared by (Name and Position)

ICS 214

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OPERATIONAL PLANNING WORK SHEET

1. Incident Name	2. Date Prepared Time Prepared	3. Operational Period (Date/Time)

4. Division/ Group or Other Location	5. Work Assignments		Resource by Type (Show Strike Team as ST)																		Other	6. Reporting Location	7. Requested Arrival Time
			1	2	3	4	1	2	1	2	1	2	3	1	2	3	4	1	2	3			
		Req																					
		Have																					
		Need																					
		Req																					
		Have																					
		Need																					
		Req																					
		Have																					
		Need																					
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		Have																					
		Need																					
		Req																					
		Have																					
		Need																					
		Req																					
		Have																					
		Need																					
9. Total Resources - Single		Req																					
		Have																					
		Need																					
Total Resources - Strike Teams		Req																				Prepared by (Name and Position)	
		Have																					
		Need																					

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INCIDENT ACTION PLAN SAFETY ANALYSIS	1. Incident Name	2. Date	3. Time

Division or Group	Potential Hazards								Mitigations (e.g. PPE, buddy system, escape routes)
	Type of Hazard:	Type of Hazard:	Type of Hazard:	Type of Hazard:	Type of Hazard:	Type of Hazard:	Type of Hazard:	Type of Hazard	
Prepared by (Name and Position)									

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RADIO REQUIREMENTS WORKSHEET

1. Incident Name	2. Date	3. Time

4. Branch	5. Agency	6. Operational Period	7. Tactical Frequency

8. Division/Group	Division/Group	Division/Group	Division/Group
Agency	Agency	Agency	Agency

9. Agency	ID No.	Radio Requirements	Agency	ID No.	Radio Requirements	Agency	ID No.	Radio Requirements	Agency	ID No.	Radio Requirements

Page 1 of	10. Prepared by (Name and Position)

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RADIO FREQUENCY ASSIGNMENT WORKSHEET

1. INCIDENT NAME	2. DATE	3. OPERATIONAL PERIOD (DATE/TIME)

3. RADIO DATA / 4. INCIDENT ORGANIZATION				BRANCH	DIVISION	DIVISION	DIVISION	BRANCH	DIVISION	DIVISION	DIVISION	BRANCH	DIVISION	DIVISION	DIVISION	INCIDENT COMMANDER	SAFETY OFFICER	OPERATIONS SECTION CHIEF	AIR OPERATIONS	AIR TACTICAL GROUP SUPERVISOR	PLANNING SECTION CHIEF	GROUND SUPPORT UNIT	BASE UNIT								COMM CENTER	TOTAL BY REQ.
SOURCE	FUNCTION	CH#	FREQUENCY																														

5. AGENCY	ID.		CH#	FREQUENCY																													
6. TOTAL RADIOS REQUIRED																																	

7. PREPARED BY (NAME/POSITION)

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SUPPORT VEHICLE INVENTORY (Use separate sheet for each vehicle category)	1. Incident Name	2. Date Prepared	3. Time Prepared

Vehicle Category: ☐ Buses ☐ Dozers ☐ Engines ☐ Lowboys ☐ Pickups/Sedans ☐ Tenders ☐ Other

Vehicle/Equipment Information

Resource Order No. "E" Number	Incident ID No.	Vehicle Type	Vehicle Make	Capacity Size	Agency/Owner	Vehicle License Rig Number	Location	Release Time

Page ___of ____	5. Prepared by (Ground Support Unit)

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GREEN CARD STOCK (CREW)

AGENCY	ST	KIND	TYPE	I.D. NO.

ORDER/REQUEST NO.	DATE/TIME CHECK IN

HOME BASE

DEPARTURE POINT

LEADER NAME

CREW ID NO./NAME (FOR STRIKE TEAMS)

NO. PERSONNEL	MANIFEST	WEIGHT
	☐ YES ☐ NO	

METHOD OF TRAVEL

☐ OWN ☐ BUS ☐ AIR

OTHER

DESTINATION POINT	ETA

TRANSPORTATION NEEDS

☐ OWN ☐ BUS ☐ AIR

OTHER

ORDERED DATE/TIME	CONFIRMED DATE/TIME

REMARKS

ICS 219-2 (Rev. 4/82) CREW NFES 1344

AGENCY	TF	KIND	TYPE	I.D. NO./NAME

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

*U.S. GPO: 1990-794-001

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BLUE CARD STOCK (HELICOPTER)

AGENCY	ST	KIND	TYPE	I.D. NO.

ORDER/REQUEST NO.	DATE/TIME CHECK IN

HOME BASE

DEPARTURE POINT

PILOT NAME

DESTINATION POINT	ETA

REMARKS

INCIDENT LOCATION

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

ICS 219-4 (Rev. 4/82) HELICOPTER NFES 1346

AGENCY	TYPE	MANUFACTURER	I.D. NO.

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

*U.S. GPO: 1988-594-771 NFES 1346

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ORANGE CARD STOCK (AIRCRAFT)

AGENCY	TYPE	MANUFACTURER	I.D. NO.

ORDER/REQUEST NO.	DATE/TIME CHECK IN

HOME BASE

DATE TIME RELEASED

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

ICS 219-6 (4/82) AIRCRAFT

AGENCY	TYPE	MANUFACTURER NAME/NO.	I.D. NO.

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

*U.S. GPO: 695-162-1986 NFES 1348

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YELLOW CARD STOCK (DOZERS)

AGENCY	ST	TF	KIND	TYPE	I.D. NO.

ORDER/REQUEST NO.	DATE/TIME CHECK IN

HOME BASE

DEPARTURE POINT

LEADER NAME

RESOURCE ID. NO.S/NAMES

DESTINATION POINT	ETA

REMARKS

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

ICS 219-7 (Rev. 4/82) DOZERS NFES 1349

AGENCY	ST	TF	KIND	TYPE	I.D. NO.

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

INCIDENT LOCATION	TIME

STATUS

☐ ASSIGNED ☐ O/S REST ☐ O/S PERS.

☐ AVAILABLE ☐ O/S MECH ☐ ETR

NOTE

*U.S. GPO: 1990-794-006

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AIR OPERATIONS SUMMARY	1. Incident Name	Helibases Fixed Wing Bases	

4. Personnel and Communications	Name	Air/Air Frequency	Air/Ground Frequency	5. Remarks (Spec. Instructions, Safety Notes, Hazards, Priorities)
Air Operations Director				
Air Attack Supervisor				
Helicopter Coordinator				
Air Tanker Coordinator				

6. Location/Function	7. Assignment	8. Fixed Wing		9. Helicopters		10. Time		11. Aircraft Assigned	12. Operating Base
		No.	Type	No.	Type	Available	Commence		
13. Totals									

14. Air Operations Support Equipment	15. Prepared by *(include Date and Time)*

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DEMOBILIZATION CHECKOUT

1. Incident Name/Number	2. Date/Time	3. Demob. No.
4. Unit/Personnel Released		
5. Transportation Type/No.		
6. Actual Release Date/Time	7. Manifest? ☐ Yes ☐ No Number	
8. Destination	9. Notified: ☐ Agency ☐ Region ☐ Area ☐ Dispatch Name: Date:	
10. Unit Leader Responsible for Collecting Performance Rating		

11. Unit/Personnel

You and your resources have been released subject to sign off from the following:
Demob. Unit Leader check the appropriate box

Logistics Section

- ☐ Supply Unit
- ☐ Communications Unit
- ☐ Facilities Unit
- ☐ Ground Support Unit Leader

Planning Section

- ☐ Documentation Unit

Finance Section

- ☐ Time Unit

Other

- ☐
- ☐

12. Remarks

13. Prepared by (include Date and Time)

Instructions for completing the Demobilization Checkout (ICS form 221)

Prior to actual Demob Planning Section (Demob Unit) should check with the Command Staff (Liaison Officer) to determine any agency specific needs related to demob and release. If any, add to line Number 11.

Item No.	Item Title	Instructions
1.	Incident Name/No.	Enter Name and/or Number of Incident.
2.	Date & Time	Enter Date and Time prepared.
3.	Demob. No.	Enter Agency Request Number, Order Number, or Agency Demob Number if applicable.
4.	Unit/Personnel Released	Enter appropriate vehicle or Strike Team/Task Force ID Number(s) and Leader's name or individual overhead or staff personnel being released.
5.	Transportation	Enter Method and vehicle ID number for transportation back to home unit. Enter N/A if own transportation is provided. *Additional specific details should be included in Remarks, block # 12.*
6.	Actual Release Date/Time	To be completed at conclusion of Demob at time of actual release from incident. *Would normally be last item of form to be completed.*
7.	Manifest	Mark appropriate box. If yes, enter manifest number. *Some agencies require a manifest for air travel.*
8.	Destination	Enter the location to which Unit or personnel have been released. *i.e. Area, Region, Home Base, Airport, Mobilization Center, etc.*
9.	Area/Agency/ Region Notified	Identify the Area, Agency, or Region notified and enter date and time of notification.
10.	Unit Leader Responsible for Collecting Performance Ratings	Self-explanatory. *Not all agencies require these ratings.*
11.	Resource Supervision	Demob Unit Leader will identify with a check in the box to the left of those units requiring check-out. Identified Unit Leaders are to initial to the right to indicate release. Blank boxes are provided for any additional check, (unit requirements as needed), i.e. Safety Officer, Agency Rep., etc.
12.	Remarks	Any additional information pertaining to demob or release.
13.	Prepared by	Enter the name of the person who prepared this Demobilization Checkout, including the Date and Time.

INDIVIDUAL PERFORMANCE RATING

INSTRUCTIONS: The immediate supervisor will prepare this form for a subordinate person. Rating will be reviewed with the individual who will sign and date the form. The completed rating will be given to the Planning Section Chief before the rater leaves the incident.

1. NAME	2. INCIDENT NAME AND NUMBER — START DATE OF INCIDENT
3. HOME UNIT ADDRESS	4. INCIDENT AGENCY AND ADDRESS

5. POSITION HELD ON INCIDENT	6. TRAINEE POSITION	7. INCIDENT COMPLEXITY	8. DATE OF ASSIGNMENT
	☐ YES ☐ NO	☐ I ☐ II ☐ III	FROM: TO:

9. List the main duties from the Position Checklist, on which the position will be rated.

Enter X under the appropriate column indicating the individuals level of performance for each duty listed.

	PERFORMANCE LEVEL				
	Did not apply on this Incident	Unacceptable	Need to Improve	Fully Successful	Exceeds Successful
	EXPLAIN IN REMARKS				

10. REMARKS

11. THIS RATING HAS BEEN DISCUSSED WITH ME (Signature of individual being rated.)	12. DATE

13. RATED BY (Signature)	14. HOME UNIT	15. POSITION HELD ON THIS INCIDENT	16. DATE

*U.S. GPO: 1991-594-696/40141

NFES 2074 ICS FORM 226 (6/89)

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INCIDENT/PROJECT ORDER NUMBER

RESOURCE ORDER

INITIAL DATE/TIME	2. INCIDENT/PROJECT NAME	3. INCIDENT /PROJECT ORDER NUMBER	4. OFFICE REFERENCE NUMBER

5. DESCRIPTIVE LOCATION/RESPONSE AREA	6. SEC.	TWN	RNG	Base MDM	8. INCIDENT BASE/PHONE NUMBER	9. JURISDICTION/AGENCY
	7. MAP REFERENCE					10. ORDERING OFFICE

11. AIRCRAFT INFORMATION			LAT.		LONG.			
BEARING	DISTANCE	BASE OR OMNI	AIR CONTACT	FREQUENCY	Ground Contact	FREQUENCY	RELOAD BASE	OTHER AIRCRAFT/HAZARDS

12. Request Number	Ordered Date/Time	From / To	QTY	RESOURCE REQUESTED	Needed Date/Time	Deliver To	To / From	Time	Agency ID	RESOURCE ASSIGNED	ETD / ETA	RELEASED Date	RELEASED To	Time / ETA

13. ORDER RELAYED Req. No.	Date	Time	To/From	ACTION TAKEN	ORDER RELAYED Req. No.	Date	Time	To/From	ACTION TAKEN

ICS 259-3 (7/87) NFES 2202

CONTINUATION SHEET NO._____ OF _____

Order No.	RESOURCE ORDER	2. INCIDENT/PROJECT NAME	3. INCIDENT /PROJECT ORDER NUMBER	4. OFFICE REFERENCE NUMBER

12. Request Number	Ordered Date/Time	From / To	Q T Y	RESOURCE REQUESTED	Needed Date/Time	Deliver To	To / From	Time	Agency ID	RESOURCE ASSIGNED	ETD / ETA	RELEASED Date	RELEASED To	Time / ETA

NFES 2203 (7/87)

INCIDENT/PROJECT ORDER NUMBER: ID-03-E6-12 34

RESOURCE ORDER

Personnel

INITIAL DATE/TIME: 04-05-03

2. INCIDENT/PROJECT NAME: Mormon Cricket #1

3. INCIDENT /PROJECT ORDER NUMBER: 10-03-E6-1234

4. OFFICE REFERENCE NUMBER: USDA-APHIS-I4

5. DESCRIPTIVE LOCATION/RESPONSE AREA: Southern Elmore County

6. SEC. | TWN | RNG | Base MDM

7. MAP REFERENCE

8. INCIDENT BASE/PHONE NUMBER: 208-123-4567

9. JURISDICTION/AGENCY: ID - Dept. of Ag.

10. ORDERING OFFICE: ID - Dept. of Ag.

11. AIRCRAFT INFORMATION

BEARING	DISTANCE	BASE OR OMNI	AIR CONTACT	FREQUENCY	Ground Contact	FREQUENCY	RELOAD BASE	OTHER AIRCRAFT/HAZARDS

LAT. | LONG.

12.

Request Number	Ordered Date/Time	From / To	QTY	RESOURCE REQUESTED	Needed Date/Time	Deliver To	To / From	Time	Agency ID	RESOURCE ASSIGNED	ETD / ETA	RELEASED Date	RELEASED To	Time / ETA
0-1	04/05 1000	10 M. Smith/ T. Able	1	Entomologist	04-07 1200	see action taken	T. Pole/ C. Davis	1030	PPQ 05	Bill Paxton	0800/ 1030			
0-2	04/05 1000	10 M. Smith/ T. Able	1	Entomologist	04-07 1200	see action taken	T. Pole/ C. Davis	1030	PPQ 06	Martha Hill	0800/ 1030			
0-3	04/06 1300	10 T. Fray/ T. Able	1	Operations S.C.	04-08 0800	ICP	T. Pole/ C. Davis	1310	PPQ 25	Brent Woods	4-7 1500/ 4-7 1900			

13.

ORDER RELAYED Req. No.	Date	Time	To/From	ACTION TAKEN	ORDER RELAYED Req. No.	Date	Time	To/From	ACTION TAKEN
0-1/2	04/05	1030	T. Pole/C. Davis	Request filled. ETA 04-07					Will be met in BOI by Kelly
				1030 UA 235 departs LAX					Phone#: 208-344-7825.
				0800 arrives BOI 1100. Plane.		04/05	1030	M. Smith/T.Pole	Relayed. Confirmed phone #.

ICS 259-3 (7/87) NFES 2202

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C Mutual Aid Agreements

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Mutual Aid Agreements

The following is a quick reference list of mutual aid agreements entered into by the City. **Copies of these mutual aid agreements can be found in the City EOC.**

1) Co-Operative Public Agencies of Washington County for Sharing of Equipment and Resources
2) Portland Metropolitan Area Transportation Co-Operative Intergovernmental Agreement for Equipment and Services
3) Regional Emergency Management Intergovernmental Agreement
4) Multnomah County Fire Defense District Mutual Aid Agreement with Corbett District 14
5) Multnomah County Fire Defense District Mutual Aid Agreement with Portland Fire
6) Multnomah County Fire Defense District Mutual Aid Agreement with Port of Portland
7) Multnomah County Fire Defense District Mutual Aid Agreement with Sauvie Island District 30
8) Multnomah County Fire Defense District Mutual Aid Agreement with Washington County Fire Defense District
9) Multnomah County Fire Defense District Mutual Aid Agreement with Clackamas County Fire Defense Board
10) Mutual Assistance Agreement with City of Portland Bureau of Fire, Rescue, and Emergency Services
11) Agreement for Mutual Aid in fire Suppression with Portland, District 10, District 14, and Gresham
12) Metro Gang Task Force Memorandum of Understanding
13) 190 Agreement Gresham/Multnomah County Sheriff's Office for combined Special Emergency Response Team (SERT)
14) GEM - Grounds Equipment Maintenance - A Pacific NW Inter-agency Cooperative

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D References

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Federal

- Public Law 93 234, as amended, Flood Disaster Protection Act of 1973.
- Public law 93-288, The Disaster Relief Act of 1974, as amended by Public Law 100-707, The Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988.
- The Code of Federal Regulations, Title 44, Part 206.
- Federal Emergency Management Agency, FEMA 64, Emergency Action Planning Guidelines for Dams, 1985.
- Federal Emergency Management Agency, Comprehensive Planning Guide 101, 2009.
- National Response Framework, 2008.
- National Incident Management System, 2008.

State

- Oregon Emergency Management. State of Oregon Emergency Declaration Guidelines for Local Elected and Appointed Officials. March 2005.
- Oregon Revised Statutes (ORS) 401.305 through 401.335.
- Office of the State Fire Marshal. Oregon Fire Services Mobilization Plan. March 2004.

County

- Multnomah County Emergency Operations Plan
- Memoranda of Agreement / Understanding

Other

- All other Public Laws or Executive Orders enacted or to be enacted which pertain to emergencies/disasters.

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E Acronyms and Glossary

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Acronyms

AAR	After Action Report
AIC	Acting in Charge
AOC	Agency Operations Center
ARES	Amateur Radio and Emergency Services
ATC	Applied Technology Council
B & I	Business and Industry
BOC	Board of Commissioners
BOEC	Bureau of Emergency Communication
CBRNE	Chemical, Biological, Radiological, Nuclear, and Explosive
CEMP	Comprehensive Emergency Management Plan
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERT	Citizen Emergency Response Team
CFR	Code of Federal Regulations
City	City of Gresham
COG	Continuity of Government
CONOPS	Concept of Operations
COOP	Continuity of Operations Plan
CRT	COOP Response Team
DCS	Department of Community Services
DCT	Donation Team Coordination
DEQ	Oregon Department of Environmental Quality
DES	Department of Environmental Services
DHHS	Department of Health and Human Services
DHS	Department of Homeland Security
DMAT	Disaster Medical Assistance Team
DMORT	Disaster Mortuary Operational Response Team
DRS	Disaster Recovery Center
EAP	Emergency Action Plan
EAS	Emergency Alert System

ECC	Emergency Coordination Center
EHS	Extremely Hazardous Substance
EM	Emergency Management
EMO	Emergency Management Organization
EMP	Emergency Management Plan
EMP	State of Oregon Emergency Management Plan
EMR	Emergency Management Region
EOC	Emergency Operations Center
EOP	Emergency Operations Plan
EPA	United States Environmental Protection Agency
ERT	Emergency Response Team
ESF	Emergency Support Function
ETR	Emergency Transportation Route
FAA	Federal Aviation Administration
FBI	Federal Bureau of Investigations
FEMA	Federal Emergency Management Agency
FES	Fire and Emergency Services
GEM	Gresham Emergency Management
HazMat	Hazardous Materials
HazMat3	Hazardous Materials Team 3
HF	High Frequency
HIVA	Hazard Identification and Vulnerability Assessment
HSEEP	Homeland Security Exercise and Evaluation Program
HSPD	Homeland Security Presidential Directive
IA	Incident Annex
IAP	Incident Action Plan
IC	Incident Commander
ICP	Incident Command Post
ICS	Incident Command System
ID	Identification
IT	Information Technology

JIC	Joint Information Center
JIS	Joint Information System
JOC	Joint Operations Center
LEDS	Law Enforcement Data System
MAX	Metropolitan Area Express
MCAS	Multnomah County Animal Services
MCEM	Multnomah County Emergency Management
MCHD	Multnomah County Health Department
MCI	Mass Casualty Incident
MCSO	Multnomah County Sheriff's Office
MEDU	Metro Explosive Disposal Unit
MERS	Mobile Emergency Response Systems
MHCC	Mt. Hood Community College
MHz	megahertz
MICP	Mobile Incident Command Post
MOC	Medical Operations Center
MOU	Memorandum of Understanding
NAWAS	National Warning System
NBC	Nuclear, biological, and chemical
NCP	National Contingency Plan
NICC	Northwest Interagency Coordination Center
NIMS	National Incident Management System
NRC	National Response Center
NRF	National Response Framework
NRS	National Response System
NTSB	National Transportation Safety Board
OAR	Oregon Administrative Rules
ODOT	Oregon Department of Transportation
OEM	Oregon Emergency Management
OERS	Oregon Emergency Response System
OHSU	Oregon Health Sciences University

OR DHS	Oregon Department of Human Services
ORS	Oregon Revised Statutes
ORVOAD	Oregon Volunteer Organizations Active in Disaster
OSC	Operations Section Chief
OSP	Oregon State Police
OTC/ARC	Oregon Trail Chapter of the American Red Cross
PA	public address
PD	Police Department
PDX	Portland International Airport
PET	Pet Emergency Team
PGE	Portland General Electric
PIO	Public Information Officer
POD	Point of Distribution
PPE	Personal Protective Equipment
SAR	Search and Rescue
SARA	Superfund Amendments and Reauthorization Act of 1986
SERT	Special Emergency Response Team
SITREPS	Situation Reports
SitStat	Situation Status
SME	Subject Matter Expert
SOG	Standard Operating Guidance
SSFs	State Support Functions
SWAT	Special Weapons and Tactics
TIP	Trauma Intervention Program
Trans (R & B)	Transportation (Roads & Bridges)
UC	Unified Command
UHF	ultra high frequency
USAR	Urban Search and Rescue
USCG	United States Coast Guard
VA	Veterans Administration
VHF	very high frequency

VOAD	Volunteer Organizations Active in Disaster
WMD	Weapons of Mass Destruction

Glossary of Key Terms

Actual Event: A disaster (natural or man-made) that has warranted action to protect life, property, environment, public health or safety. Natural disasters include earthquakes, hurricanes, tornadoes, floods, etc.; man-made (either intentional or accidental) incidents can include chemical spills, terrorist attacks, explosives, biological attacks, etc.

After Action Report: The After Action Report documents the performance of exercise related tasks and makes recommendations for improvements. The Improvement Plan outlines the actions that the exercising jurisdiction(s) plans to take to address recommendations contained in the After Action Report.

Agency: A division of government with a specific function offering a particular kind of assistance. In ICS, agencies are defined either as jurisdictional (having statutory responsibility for incident management) or as assisting or cooperating (providing resources or other assistance).

Agency Representative: A person assigned by a primary, assisting, or cooperating State, local, or tribal government agency or private entity that has been delegated authority to make decisions affecting that agency's or organization's participation in incident management activities following appropriate consultation with the leadership of that agency.

All Hazards: Any incident caused by terrorism, natural disasters, or any CBRNE accident. Such incidents require a multi-jurisdictional and multi-functional response and recovery effort.

Area Command (Unified Area Command): An organization established (1) to oversee the management of multiple incidents that are each being handled by an ICS organization or (2) to oversee the management of large or multiple incidents to which several Incident Management Teams have been assigned. Area Command has the responsibility to set overall strategy and priorities, allocate critical resources according to priorities, ensure that incidents are properly managed, and ensure that objectives are met and strategies followed. Area Command becomes Unified Area Command when incidents are multi-jurisdictional. Area Command may be established at an emergency operations center facility or at some location other than an incident command post.

Assessment: The evaluation and interpretation of measurements and other information to provide a basis for decision-making.

Assignments: Tasks given to resources to perform within a given operational period that are based on operational objectives defined in the IAP.

Assistant: Title for subordinates of principal Command Staff positions. The title indicates a level of technical capability, qualifications, and responsibility subordinate to the primary positions. Assistants may also be assigned to unit leaders.

Assisting Agency: An agency or organization providing personnel, services, or other resources to the agency with direct responsibility for incident management. See also Supporting Agency.

Audit: formal examination of an organization's or individual's accounts; a methodical examination and review.

Available Resources: Resources assigned to an incident, checked in, and available for a mission assignment, normally located in a Staging Area.

Branch: The organizational level having functional or geographical responsibility for major aspects of incident operations. A branch is organizationally situated between the section and the division or group in the Operations Section, and between the section and units in the Logistics Section. Branches are identified by the use of Roman numerals or by functional area.

Chain-of-Command: A series of command, control, executive, or management positions in hierarchical order of authority.

Check-In: The process through which resources first report to an incident. Check-in locations include the incident command post, Resources Unit, incident base, camps, staging areas, or directly on the site.

Chief: The ICS title for individuals responsible for management of functional sections: Operations, Planning, Logistics, Finance/Administration, and Intelligence (if established as a separate section).

Command: The act of directing, ordering, or controlling by virtue of explicit statutory, regulatory, or delegated authority.

Command Staff: In an incident management organization, the Command Staff consists of the Incident Command and the special staff positions of Public Information Officer, Safety Officer, Liaison Officer, and other positions as required, who report directly to the Incident Commander. They may have an assistant or assistants, as needed.

Common Operating Picture: A broad view of the overall situation as reflected by situation reports, aerial photography, and other information or intelligence.

Communications Unit: An organizational unit in the Logistics Section responsible for providing communication services at an incident or an EOC. A Communications Unit may also be a facility (e.g., a trailer or mobile van) used to support an Incident Communications Center.

Cooperating Agency: An agency supplying assistance other than direct operational or support functions or resources to the incident management effort.

Coordinate: To advance systematically an analysis and exchange of information among principals who have or may have a need to know certain information to carry out specific incident management responsibilities.

Corrective Action: Improved procedures that are based on lessons learned from actual incidents or from training and exercises.

Corrective Action Plan: A process implemented after incidents or exercises to assess, investigate, and identify and implement appropriate solutions to prevent repeating problems encountered.

Critical Infrastructure: Systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters. (Department of Homeland Security, National Response Plan (December 2004), 64.)

Deputy: A fully qualified individual who, in the absence of a superior, can be delegated the authority to manage a functional operation or perform a specific task. In some cases, a deputy can act as relief for a superior and, therefore, must be fully qualified in the position. Deputies can be assigned to the Incident Commander, General Staff, and Branch Directors.

Dispatch: The ordered movement of a resource or resources to an assigned operational mission or an administrative move from one location to another.

Disciplines: A group of personnel with similar job roles and responsibilities. (e.g. law enforcement, firefighting, HazMat, EMS).

Division: The partition of an incident into geographical areas of operation. Divisions are established when the number of resources exceeds the manageable span of control of the Operations Chief. A division is located within the ICS organization between the branch and resources in the Operations Section.

Emergency: Absent a Presidential declared emergency, any incident(s), human-caused or natural, that requires responsive action to protect life or property. Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, an emergency means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

Emergency Management Assistance Compact: The Emergency Management Assistance Compact is an interstate mutual aid agreement that allows States to

assist one another in responding to all kinds of natural and man-made disasters. It is administered by the National Emergency Management Association.

Emergency Operations Centers: The physical location at which the coordination of information and resources to support domestic incident management activities normally takes place. An EOC may be a temporary facility or may be located in a more central or permanently established facility, perhaps at a higher level of organization within a jurisdiction. EOCs may be organized by major functional disciplines (e.g., fire, law enforcement, and medical services), by jurisdiction (e.g., Federal, State, regional, County, City, tribal), or some combination thereof.

Emergency Operations Plan: The "steady-state" plan maintained by various jurisdictional levels for responding to a wide variety of potential hazards.

Emergency Public Information: Information that is disseminated primarily in anticipation of an emergency or during an emergency. In addition to providing situational information to the public, it also frequently provides directive actions required to be taken by the general public.

Emergency Response Provider: Includes State, local, and tribal emergency public safety, law enforcement, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies, and authorities. See Section 2 (6), Homeland Security Act of 2002, Pub. L. 107-296, 116 Stat. 2135 (2002). Also known as Emergency Responder.

Evacuation: Organized, phased, and supervised withdrawal, dispersal, or removal of civilians from dangerous or potentially dangerous areas, and their reception and care in safe areas.

Evaluation: The process of observing and recording exercise activities, comparing the performance of the participants against the objectives, and identifying strengths and weaknesses.

Event: A planned, non-emergency activity. ICS can be used as the management system for a wide range of events, e.g., parades, concerts, or sporting events.

Exercise: Exercises are a planned and coordinated activity allowing homeland security and emergency management personnel (from first responders to senior officials) to demonstrate training, exercise plans, and practice prevention, protection, response, and recovery capabilities in a realistic but risk-free environment. Exercises are a valuable tool for assessing and improving performance, while demonstrating community resolve to prepare for major incidents.

Federal: Of or pertaining to the Federal Government of the United States of America.

Federal Preparedness Funding: Funding designated for developing and/or enhancing State, Territorial, local, and tribal preparedness capabilities. This includes all funding streams that directly or indirectly support Homeland Security initiatives, e.g. Center for Disease Control and Health Resources and Services Administration preparedness funds.

Function: Function refers to the five major activities in ICS: Command, Operations, Planning, Logistics, and Finance/Administration. The term function is also used when describing the activity involved, e.g., the planning function. A sixth function, Intelligence, may be established, if required, to meet incident management needs.

General Staff: A group of incident management personnel organized according to function and reporting to the Incident Commander. The General Staff normally consists of the Operations Section Chief, Planning Section Chief, Logistics Section Chief, and Finance/Administration Section Chief.

Group: Established to divide the incident management structure into functional areas of operation. Groups are composed of resources assembled to perform a special function not necessarily within a single geographic division. Groups, when activated, are located between branches and resources in the Operations Section.

Hazard: Something that is potentially dangerous or harmful, often the root cause of an unwanted outcome.

Homeland Security Exercise and Evaluation Program (HSEEP): A capabilities- and performance-based exercise program that provides a standardized policy, methodology, and language for designing, developing, conducting, and evaluating all exercises. Homeland Security Exercise and Evaluation Program also facilitates the creation of self-sustaining, capabilities-based exercise programs by providing tools and resources such as guidance, training, technology, and direct support. For additional information please visit the Homeland Security Exercise and Evaluation Program toolkit at http://www.hseep.dhs.gov.

Improvement Plan: The After Action Report documents the performance of exercise related tasks and makes recommendations for improvements. The Improvement Plan outlines the actions that the exercising jurisdiction(s) plans to take to address recommendations contained in the After Action Report.

Incident: An occurrence or event, natural- or human-caused, that requires an emergency response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, wildland and urban fires, floods, hazardous materials spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response.

Incident Action Plan: An oral or written plan containing general objectives reflecting the overall strategy for managing an incident. It may include the identification of operational resources and assignments. It may also include attachments that provide direction and important information for management of the incident during one or more operational periods.

Incident Command Post: The field location at which the primary tactical-level, on-scene incident command functions are performed. The ICP may be collocated with the incident base or other incident facilities and is normally identified by a green rotating or flashing light.

Incident Command System: A standardized on-scene emergency management construct specifically designed to provide for the adoption of an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to aid in the management of resources during incidents. It is used for all kinds of emergencies and is applicable to small as well as large and complex incidents. ICS is used by various jurisdictions and functional agencies, both public and private, to organize field-level incident management operations.

Incident Commander: The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and the release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.

Incident Management Team: The IC and appropriate Command and General Staff personnel assigned to an incident.

Incident Objectives: Statements of guidance and direction necessary for selecting appropriate strategy(s) and the tactical direction of resources. Incident objectives are based on realistic expectations of what can be accomplished when all allocated resources have been effectively deployed. Incident objectives must be achievable and measurable, yet flexible enough to allow strategic and tactical alternatives.

Incident-Specific Hazards: Anticipated events that may or may not occur that require coordinated response to protect life or property, e.g., pandemic flu, avian flu, etc.

Initial Action: The actions taken by those responders first to arrive at an incident site.

Initial Response: Resources initially committed to an incident.

Intelligence Officer: The intelligence officer is responsible for managing internal information, intelligence, and operational security requirements supporting incident management activities. These may include information security and operational security activities, as well as the complex task of ensuring that sensitive information of all types (e.g., classified information, law enforcement sensitive information, proprietary information, or export-controlled information) is handled in a way that not only safeguards the information, but also ensures that it gets to those who need access to it to perform their missions effectively and safely.

Interagency: An organization or committee comprised of multiple agencies.

Interoperability & Compatibility: A principle of the NIMS that holds that systems must be able to work together and should not interfere with one another if the multiple jurisdictions, organizations, and functions that come together under the NIMS are to be effective in domestic incident management. Interoperability and compatibility are achieved through the use of such tools as common communications and data standards, digital data formats, equipment standards, and design standards. (Department of Homeland Security, National Incident Management System (March 2004), 55.)

Inventory: An itemized list of current assets such as a catalog of the property or estate, or a list of goods on hand.

Joint Information Center: A facility established to coordinate all incident-related public information activities. It is the central point of contact for all news media at the scene of the incident. Public information officials from all participating agencies should collocate at the Joint Information Center.

Joint Information System: Integrates incident information and public affairs into a cohesive organization designed to provide consistent, coordinated, timely information during crisis or incident operations. The mission of the JIS is to provide a structure and system for developing and delivering coordinated interagency messages; developing, recommending, and executing public information plans and strategies on behalf of the IC; advising the IC concerning public affairs issues that could affect a response effort; and controlling rumors and inaccurate information that could undermine public confidence in the emergency response effort.

Jurisdiction: A range or sphere of authority. Public agencies have jurisdiction at an incident related to their legal responsibilities and authority. Jurisdictional authority at an incident can be political or geographical (e.g., City, County, tribal, State, or Federal boundary lines) or functional (e.g., law enforcement, public health).

Lessons Learned: Knowledge gained through operational experience (actual events or exercises) that improve performance of others in the same discipline. For additional information please visit https://www.llis.dhs.gov/

Liaison: A form of communication for establishing and maintaining mutual understanding and cooperation.

Liaison Officer: A member of the Command Staff responsible for coordinating with representatives from cooperating and assisting agencies.

Local Government: A County, municipality, City, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government; an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation; a rural community, unincorporated town or village, or other public entity. See Section 2 (10), Homeland Security Act of 2002, Pub. L. 107-296, 116 Stat. 2135 (2002).

Logistics: Providing resources and other services to support incident management.

Logistics Section: The section responsible for providing facilities, services, and material support for the incident.

Major Disaster: As defined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), a major disaster is:

> "any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, tribes, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby."

Management by Objective: A management approach that involves a four-step process for achieving the incident goal. The Management by Objectives approach includes the following: establishing overarching objectives; developing and issuing assignments, plans, procedures, and protocols; establishing specific, measurable objectives for various incident management functional activities and directing efforts to fulfill them, in support of defined strategic objectives; and documenting results to measure performance and facilitate corrective action.

Mitigation: The activities designed to reduce or eliminate risks to persons or property or to lessen the actual or potential effects or consequences of an incident. Mitigation measures may be implemented prior to, during, or after an incident. Mitigation measures are often informed by lessons learned from prior incidents. Mitigation involves ongoing actions to reduce exposure to, probability of, or potential loss from hazards. Measures may include zoning and building codes, floodplain buyouts, and analysis of hazard-related data to determine where it is safe to build or locate temporary facilities. Mitigation can include efforts to educate governments, businesses, and the public on measures they can take to reduce loss and injury.

Mobilization: The process and procedures used by all organizations-State, local, and tribal-for activating, assembling, and transporting all resources that have been requested to respond to or support an incident.

Multiagency Coordination Entity: A multiagency coordination entity functions within a broader multiagency coordination system. It may establish the priorities among incidents and associated resource allocations, de-conflict agency policies, and provide strategic guidance and direction to support incident management activities.

Multiagency Coordination Systems: Multiagency coordination systems provide the architecture to support coordination for incident prioritization, critical resource allocation, communications systems integration, and information coordination. The components of multiagency coordination systems include facilities, equipment, emergency operation centers (EOCs), specific multiagency coordination entities, personnel, procedures, and communications. These systems assist agencies and organizations to fully integrate the subsystems of the NIMS.

Multi-jurisdictional Incident: An incident requiring action from multiple agencies that each have jurisdiction to manage certain aspects of an incident. In ICS, these incidents will be managed under Unified Command.

Mutual-Aid Agreement: Written agreement between agencies and/or jurisdictions that they will assist one another on request, by furnishing personnel, equipment, and/or expertise in a specified manner.

National: Of a nationwide character, including the State, local, and tribal aspects of governance and policy.

National Disaster Medical System: A cooperative, asset-sharing partnership between the Department of Health and Human Services, the Department of Veterans Affairs, the Department of Homeland Security, and the Department of Defense. National Disaster Medical System provides resources for meeting the continuity of care and mental health services requirements of the ESF 8 in the National Response Framework.

National Incident Management System: A system mandated by HSPD-5 that provides a consistent nationwide approach for State, local, and tribal governments; the private-sector, and nongovernmental organizations to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. To provide for interoperability and compatibility among State, local, and tribal capabilities, the NIMS includes a core set of concepts, principles, and terminology. HSPD-5 identifies these as the ICS; multiagency coordination systems; training; identification and management of resources (including systems for classifying types of resources); qualification and certification; and the collection, tracking, and reporting of incident information and incident resources.

National Response Plan: A plan mandated by HSPD-5 that integrates Federal domestic prevention, preparedness, response, and recovery plans into one all-discipline, all-hazards plan.

National Response Framework: A guide to how the Nation conducts all-hazards incident management. It is built upon flexible, scalable, and adaptable coordinating structures to align key roles and responsibilities across the Nation. It is intended to capture specific authorities and best practices for managing incidents that range from the serious but purely local, to large-scale terrorist attacks or catastrophic natural disasters. The National Response Framework replaces the former National Response Plan.

Non-Governmental Organization: An entity with an association that is based on interests of its members, individuals, or institutions and that is not created by a government, but may work cooperatively with government. Such organizations serve a public purpose, not a private benefit. Examples of Non-Governmental Organizations include faith-based charity organizations and the American Red Cross.

No-Notice Events: An occurrence or event, natural or human-caused, that requires an emergency response to protect life or property (i.e. terrorist attacks and threats, wildland and urban fires, floods, hazardous materials spills, nuclear accident, aircraft accident, earthquakes, hurricanes, tornadoes, public health and medical emergencies etc.)

Operational Period: The time scheduled for executing a given set of operation actions, as specified in the Incident Action Plan. Operational periods can be of various lengths, although usually not over 24 hours.

Operations Section: The section responsible for all tactical incident operations. In ICS, it normally includes subordinate branches, divisions, and/or groups.

Personnel Accountability: The ability to account for the location and welfare of incident personnel. It is accomplished when supervisors ensure that ICS principles

and processes are functional and that personnel are working within established incident management guidelines.

Plain Language: Common terms and definitions that can be understood by individuals from all responder disciplines. The intent of plain language is to ensure the clear and accurate communication of information during an incident. For additional information, refer to http://www.fema.gov/pdf/emergency/nims/plain_lang.pdf .

Planning: A method to developing objectives to be accomplished and incorporated into an EOP.

Planning Meeting: A meeting held as needed prior to and throughout the duration of an incident to select specific strategies and tactics for incident control operations and for service and support planning. For larger incidents, the planning meeting is a major element in the development of the IAP.

Planning Section: Responsible for the collection, evaluation, and dissemination of operational information related to the incident, and for the preparation and documentation of the IAP. This section also maintains information on the current and forecasted situation and on the status of resources assigned to the incident.

Preparedness: The range of deliberate, critical tasks and activities necessary to build, sustain, and improve the operational capability to prevent, protect against, respond to, and recover from domestic incidents. Preparedness is a continuous process. Preparedness involves efforts at all levels of government and between government and private-sector and nongovernmental organizations to identify threats, determine vulnerabilities, and identify required resources. Within the NIMS, preparedness is operationally focused on establishing guidelines, protocols, and standards for planning, training and exercises, personnel qualification and certification, equipment certification, and publication management.

Preparedness Organizations: The groups that provide interagency coordination for domestic incident management activities in a non-emergency context. Preparedness organizations can include all agencies with a role in incident management, for prevention, preparedness, response, or recovery activities. They represent a wide variety of committees, planning groups, and other organizations that meet and coordinate to ensure the proper level of planning, training, equipping, and other preparedness requirements within a jurisdiction or area.

Preplanned Event: A preplanned event is a non-emergency activity. ICS can be used as the management system for events such as parades, concerts, or sporting events, etc.

Prevention: Actions to avoid an incident or to intervene to stop an incident from occurring. Prevention involves actions to protect lives and property. It involves applying intelligence and other information to a range of activities that may

include such countermeasures as deterrence operations; heightened inspections; improved surveillance and security operations; investigations to determine the full nature and source of the threat; public health and agricultural surveillance and testing processes; immunizations, isolation, or quarantine; and, as appropriate, specific law enforcement operations aimed at deterring, preempting, interdicting, or disrupting illegal activity and apprehending potential perpetrators and bringing them to justice.

Private Sector: Organizations and entities that are not part of any governmental structure. It includes for-profit and not-for-profit organizations, formal and informal structures, commerce and industry, and private voluntary organizations.

Processes: Systems of operations that incorporate standardized procedures, methodologies, and functions necessary to provide resources effectively and efficiently. These include resource typing, resource ordering and tracking, and coordination.

Public Information Officer (PIO): A member of the Command Staff responsible for interfacing with the public and media or with other agencies with incident-related information requirements.

Public Information Systems: The processes, procedures, and systems for communicating timely and accurate information to the public during crisis or emergency situations.

Publications Management: The publications management subsystem includes materials development, publication control, publication supply, and distribution. The development and distribution of NIMS materials is managed through this subsystem. Consistent documentation is critical to success, because it ensures that all responders are familiar with the documentation used in a particular incident regardless of the location or the responding agencies involved.

Qualification and Certification: This subsystem provides recommended qualification and certification standards for emergency responder and incident management personnel. It also allows the development of minimum standards for resources expected to have an interstate application. Standards typically include training, currency, experience, and physical and medical fitness.

Reception Area: This refers to a location separate from staging areas, where resources report in for processing and out-processing. Reception Areas provide accountability, security, situational awareness briefings, safety awareness, distribution of IAPs, supplies and equipment, feeding, and bed down.

Recovery: The development, coordination, and execution of service- and site-restoration plans; the reconstitution of government operations and services; individual, private-sector, nongovernmental, and public-assistance programs to provide housing and to promote restoration; long-term care and treatment of affected persons; additional measures for social, political, environmental, and

economic restoration; evaluation of the incident to identify lessons learned; post-incident reporting; and development of initiatives to mitigate the effects of future incidents.

Recovery Plan: A plan developed by a State, local, or tribal jurisdiction with assistance from responding Federal agencies to restore the affected area.

Resources: Personnel and major items of equipment, supplies, and facilities available or potentially available for assignment to incident operations and for which status is maintained. Resources are described by kind and type and may be used in operational support or supervisory capacities at an incident or at an EOC.

Resource Management: Efficient incident management requires a system for identifying available resources at all jurisdictional levels to enable timely and unimpeded access to resources needed to prepare for, respond to, or recover from an incident. Resource management under the NIMS includes mutual-aid agreements; the use of special State, local, and tribal teams; and resource mobilization protocols.

Resource Typing: Resource typing is the categorization of resources that are commonly exchanged through mutual aid during disasters. Resource typing definitions help define resource capabilities for ease of ordering and mobilization during a disaster. For additional information please visit http://www.fema.gov/emergency/nims/rm/rt.shtm .

Resource Typing Standard: Categorization and description of response resources that are commonly exchanged in disasters through mutual aid agreements. The FEMA/NIMS Integration Center Resource typing definitions provide emergency responders with the information and terminology they need to request and receive the appropriate resources during an emergency or disaster.

Resources Unit: Functional unit within the Planning Section responsible for recording the status of resources committed to the incident. This unit also evaluates resources currently committed to the incident, the effects additional responding resources will have on the incident, and anticipated resource needs.

Response: Activities that address the short-term, direct effects of an incident. Response includes immediate actions to save lives, protect property, and meet basic human needs. Response also includes the execution of emergency operations plans and of mitigation activities designed to limit the loss of life, personal injury, property damage, and other unfavorable outcomes. As indicated by the situation, response activities include applying intelligence and other information to lessen the effects or consequences of an incident; increased security operations; continuing investigations into nature and source of the threat; ongoing public health and agricultural surveillance and testing processes; immunizations, isolation, or quarantine; and specific law enforcement operations

aimed at preempting, interdicting, or disrupting illegal activity, and apprehending actual perpetrators and bringing them to justice.

Safety Officer: A member of the Command Staff responsible for monitoring and assessing safety hazards or unsafe situations and for developing measures for ensuring personnel safety.

Scalability: The ability of incident managers to adapt to incidents by either expanding or reducing the resources necessary to adequately manage the incident, including the ability to incorporate multiple jurisdictions and multiple responder disciplines.

Section: The organizational level having responsibility for a major functional area of incident management, e.g., Operations, Planning, Logistics, Finance/Administration, and Intelligence (if established). The section is organizationally situated between the branch and the Incident Command.

Span of Control: The number of individuals a supervisor is responsible for, usually expressed as the ratio of supervisors to individuals. (Under NIMS, an appropriate span of control is between 1:3 and 1:7.)

Staging Area: Location established where resources can be placed while awaiting a tactical assignment. The Operations Section manages Staging Areas.

Standard Operating Procedures: A complete reference document that details the procedures for performing a single function or a number of independent functions.

Standardization: A principle of the NIMS that provides a set of standardized organizational structures (such as the ICS, multi-agency coordination systems, and public information systems) as well as requirements for processes, procedures, and systems designed to improve interoperability among jurisdictions and disciplines in various area, including: training; resource management; personnel qualification and certification; equipment certification; communications and information management; technology support; and continuous system improvement. (Department of Homeland Security, National Incident Management System (March 2004), 2.)

State: When capitalized, refers to any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States. See Section 2 (14), Homeland Security Act of 2002, Pub. L. 107-296, 116 Stat. 2135 (2002).

Strategic: Strategic elements of incident management are characterized by continuous long-term, high-level planning by organizations headed by elected or other senior officials. These elements involve the adoption of long-range goals and objectives, the setting of priorities; the establishment of budgets and other

fiscal decisions, policy development, and the application of measures of performance or effectiveness.

Strategy: The general direction selected to accomplish incident objectives set by the IC.

Strike Team: A set number of resources of the same kind and type that have an established minimum number of personnel.

Supporting Technologies: Any technology that may be used to support the NIMS is included in this subsystem. These technologies include orthophoto mapping, remote automatic weather stations, infrared technology, and communications, among various others.

Task Force: Any combination of resources assembled to support a specific mission or operational need. All resource elements within a Task Force must have common communications and a designated leader.

Technical Assistance: Support provided to State, local, and tribal jurisdictions when they have the resources but lack the complete knowledge and skills needed to perform a required activity (such as mobile-home park design and hazardous material assessments).

Terrorism: Under the Homeland Security Act of 2002, terrorism is defined as activity that involves an act dangerous to human life or potentially destructive of critical infrastructure or key resources and is a violation of the criminal laws of the United States or of any State or other subdivision of the United States in which it occurs and is intended to intimidate or coerce the civilian population or influence a government or affect the conduct of a government by mass destruction, assassination, or kidnapping. See Section 2 (15), Homeland Security Act of 2002, Pub. L. 107-296, 116 Stat. 2135 (2002).

Threat: An indication of possible violence, harm, or danger.

Tools: Those instruments and capabilities that allow for the professional performance of tasks, such as information systems, agreements, doctrine, capabilities, and legislative authorities.

Training: Specialized instruction and practice to improve performance and lead to enhanced emergency management capabilities.

Tribal: Any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native Village as defined in or established pursuant to the Alaskan Native Claims Settlement Act (85 stat. 688) [43 U.S.C.A. and 1601 et seq.], that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Type: A classification of resources in the ICS that refers to capability. Type 1 is generally considered to be more capable than Types 2, 3, or 4, respectively,

because of size; power; capacity; or, in the case of incident management teams, experience and qualifications.

Unified Area Command: A Unified Area Command is established when incidents under an Area Command are multi-jurisdictional.

Unified Command: An application of ICS used when there is more than one agency with incident jurisdiction or when incidents cross political jurisdictions. Agencies work together through the designated members of the UC, often the senior person from agencies and/or disciplines participating in the UC, to establish a common set of objectives and strategies and a single IAP.

Unit: The organizational element having functional responsibility for a specific incident planning, logistics, or finance/administration activity.

Unity of Command: The concept by which each person within an organization reports to one and only one designated person. The purpose of unity of command is to ensure unity of effort under one responsible commander for every objective.

Volunteer: For purposes of the NIMS, a volunteer is any individual accepted to perform services by the lead agency, which has authority to accept volunteer services, when the individual performs services without promise, expectation, or receipt of compensation for services performed. See, e.g., 16 U.S.C. 742f(c) and 29 CFR 553.101.

Source: https://nimcast.fema.gov/nimscast/index.jsp

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Functional Annexes

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FA 1 – Alert and Warning

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ATTACHMENT FA1-A: Gresham EAS Warning Log

ATTACHMENT FA1-B: Gresham EAS Procedures

ATTACHMENT FA1-C: Sample EAS Messages

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I. SITUATION

Effective alert and warning depends on clear and specific instructions. Warnings issued in the names of the proper authority may be viewed as more credible. Warning messages must be geographically precise, repeated more than once, and presented in more than one medium. Consideration should be given to providing messages in more than one language.

The Gresham alert and warning system uses the following methods separately or in combination:

- The Portland/Vancouver Emergency Alert System (EAS) Plan available in the Emergency Operations Center (EOC) and the Emergency Management Office;
- Police and Fire mobile public address systems;
- Door-to-door contact;
- Gresham AM Alert Radio Station; and
- The City of Gresham's website: http://greshamoregon.gov. .

II. CONCEPT OF OPERATIONS

A. The Incident Commander (IC) determines whether an immediate alert and warning is needed. The IC develops the message content and means of delivery, with the assistance of the Public Information Officer (PIO), who implements the warning.

B. Gresham may also receive warning information from outside sources (Forest Service, Oregon State Police [OSP], Oregon Emergency Management, weather service, etc.). Warning information should be confirmed and the need for further alert and warning determined.

C. If an emergency is localized, emergency response personnel will normally alert residents in the area by telephone, mobile public address systems, and/or door-to-door contact.

D. Alerts and warnings must be updated as the situation changes.

E. The PIO or issuing official will maintain a log of all warnings issued during an incident. (See Attachment FA1-A for sample log.)

F. Rumor control may become an important element of the public information effort. The Message Center Unit Leader and the PIO may establish specific guidelines for responding to inquiries from the public.

III. ROLES AND RESPONSIBILITIES

A. Incident Commander:

1. Determine the proper protective actions, warning mediums, and the need to activate this plan.

2. Determine affected areas, evacuation routes, congregation points, and shelter locations.

3. Approve all public information bulletins.

4. Implement direct activation of appropriate alerting methods. Coordinate use of field alerting resources with Operations Section Chief.

5. Activate EAS, if needed.

6. Schedule and conduct media briefings.

7. Document and monitor public information flow. Correct misinformation and provide rumor control.

8. Provide regarding changing conditions and inform the public when emergency conditions have ceased.

9. Terminate alert and warning operations.

B. Operations:

1. Supervise, coordinate, and deploy field alert and warning resources.

C. Planning:

1. Monitor progress of field alert and warnings.

2. Track resources dedicated to the alert and warning effort.

3. Develop alert and warning contingency plans.

D. Logistics:

1. Support alert and warning activities, as requested.

2. Keep Command, Operations Section, Emergency Management, and the PIO apprised of shelter status.

3. Assign personnel to provide liaison at congregation points and shelters.

4. Coordinate activities with field personnel, PIO, and Planning and Logistics Sections.

5. Advise Planning Section, Command, and PIO of progress of alert and warning activities.

IV. EMERGENCY ALERT SYSTEM

A. The EAS consists of radio broadcast stations linked together to provide emergency alert and warning to the public and to recall off-duty public safety and public service personnel in the event of phone system failure.

Gresham's EAS stations
KXL (am 750)
KGON (fm 92.3)

B. EAS activation procedures are provided in Attachment FA1-B. Specific instructions for East County are located on the last page of the plan. Sample EAS messages can be found in Attachment FA1-C.

C. Using EAS procedures and messages, the emergency play list for the Gresham Alert Radio Station (AM 1610) will be activated. A copy of the activation and recording procedures can be found in the EOC.

V. MOBILE PUBLIC ADDRESS SYSTEMS

A. Most law enforcement and fire vehicles are equipped with mobile public address systems that may be used for alert and warning.

B. The IC directs the use of these assets through the Operations Section (usually the Law Enforcement Branch Director). All messages should be coordinated with the PIO and approved by the IC.

VI. DOOR-TO-DOOR ALERT

Door-to-door alert may be necessary in a rapidly emerging incident, particularly for geographically confined incidents. Residents will be informed of the situation, directed to temporary shelter, and advised of the expected duration of the emergency.

The IC, through the Operations Section Chief/Law Enforcement Branch Director, directs door-to-door alerts. All messages should be coordinated with the PIO and approved by the IC.

VII. MEDIA TOOLS

A. Many residents turn to the internet for information. The EOC should be prepared to provide information electronically for both citizens and the media.

B. The City of Gresham (City) maintains lists of residents who have signed up to receive information from the City via email. If necessary, these lists should be used to communicate incident information to those residents.

C. Neighborhood Associations generally keep lists of members. The PIO or IC should consider utilizing these resources when information needs to be disseminated to a specific neighborhood or area.

ATTACHMENT FA1-A: Gresham EAS Warning Log

1. INITIAL: Date_____Time_____Warning #_____

   UPDATE: Date_____Time_____Warning #_____

2. Situation:
   Describe emergency incident (threat to life/safety, and specific geographic boundaries affected by this warning).

   _____
   _____
   _____

3. Content of Warning:
   Include exact wording of warning given.

   _____
   _____
   _____
   _____
   _____
   _____
   _____

4. Method of Warning: EAS_____ Mobile Public Address_____
   Door-to-Door Contact_____

   Signature of authorizing official_____

5. Warning Terminated_____Date_____Time
   Ensure that all methods of alert and warning have been notified to terminate activities.

   Signature of terminating official_____

BEGIN A NEW FORM FOR SUBSEQUENT WARNING MESSAGES

ATTACHMENT FA1-B: Gresham EAS Procedures

Officials authorized to activate the Greater Portland/Vancouver Operational Area EAS Plan include:

1. Any IC when public safety is threatened.

2. EOC staff members who have been delegated this authority in writing by the IC.

3. The following personnel have independent authority to activate the EAS—in coordination with the IC, if possible:
   - City Manager
   - Department Directors
   - Emergency Management Staff

4. The Bureau of Emergency Communication (BOEC) may activate the EAS during a major disaster involving failure or overload of the telephone system to notify off-duty personnel to return to work.

   Upon receiving notification that a Gresham authority intends to activate the EAS, the BOEC will either supply him or her with the phone number for KUFO and/or the cable provider, or will activate the EAS under the direction of the requesting Gresham authority.

   The BOEC will notify:
   - Emergency Management,
   - Police Chief,
   - Director, Fire and Emergency Services,
   - Fire and Emergency Services Shift Coordinator (701),
   - Director, Department of Environmental Services,
   - City Manager, and
   - Police Records.

   When the threat to public safety has passed, the authorizing official will advise the BOEC to contact KUFO and/or the cable provider and terminate emergency transmissions.

ATTACHMENT FA1-C: Sample EAS Messages

SHELTER IN PLACE

"At ***(time)***_____ today, Gresham public safety officials responded to an industrial accident involving hazardous materials. The accident occurred at ***(location and time)*** _____ today. The City requests that all persons in ***(names of areas)*** _____ _____ should remain inside their houses or other closed building until their radio, television, or public safety officials say they can leave safely. If you are in the affected area, turn off heat, ventilation, and cooling systems and window or attic fans. Close all windows, doors, and vents and cover cracks with tape or wet rags. Keep pets and children inside. If you are inside and experience difficulty breathing, cover your mouth and nose with a damp cloth. If you are outside, cover your nose and mouth with a handkerchief or other cloth until you can reach a building. Failure to follow these instructions may result in exposure to the hazardous materials. Listen to the radio or television for further information."

PREPARE TO EVACUATE

"At ***(time)***_____ today, Gresham public safety officials responded to a potentially serious condition involving ***(description of emergency situation)***_____**.** The incident is occurring at ***(location)***_____**.** The City requests all persons in ***(affected area)***_____ **to** stay indoors and prepare to evacuate. If you are in your home, gather all necessary medications and clothing. You do not need to evacuate at this time, but stay tuned to this station for further instructions. This message will be repeated at intervals until conditions change."

EVACUATION

"At ***(time)***_____ today, Gresham public safety officials reported an incident involving ***(description of situation)***_____. The incident occurred at ***(location and time)***_____**.** The City requests all persons in ***(names of area)*** _____ to evacuate the area in an orderly manner. Please take the following actions to secure your home before you leave ***(instructions may include shutting off gas and water, etc.)*** _____
_____
_____.
Drive or walk toward ***(evacuation route)*** _____**.** Emergency personnel will be along this route to direct you out of the area. Please observe normal traffic laws. Failure to leave the area may result in severe injury or death. This message will be repeated until conditions change."

TERMINATION OF EMERGENCY

"City officials have determined that the incident which occurred at (location and time)_____ no longer represents a threat to public safety. All those who have been evacuated may now return home. Those who have been directed to take shelter in their homes may now leave. The City thanks this station for its assistance, and those impacted for their cooperation and patience. This station will now return to normal programming"

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FA 2 – Emergency Declarations

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III. ROLES AND RESPONSIBILITIES

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V. FORMAT

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ATTACHMENT FA2-A: Gresham Emergency Code 7.45

ATTACHMENT FA2-B: Declaration of Local Emergency without a Request for Assistance

ATTACHMENT FA2-C: Declaration Format Requesting State/Federal Assistance

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I. SITUATION

An incident may require the declaration of a state of emergency or disaster, depending on its nature and impact. A state of emergency or disaster is generally defined as a natural or human-caused incident or event that overwhelms, or is anticipated to overwhelm, existing capabilities to respond, thereby threatening loss of life, injury to persons, property damage, human suffering, or financial loss.

If adjoining jurisdictions are also impacted by the same incident, any Emergency Declaration issued for Gresham should be coordinated with those jurisdictions to ensure compatibility and consistency.

Whenever possible, copies of all declarations should be posted for public information. Efforts should be made to post copies in areas of City Hall and the Public Safety building that can be easily viewed by the public during all hours. The PIO or Communications Manager should prepare and distribute press releases, as approved by the incident commander (IC) or City Manager.

Early coordination with Multnomah County Emergency Management and the Oregon Office of Emergency Management is also encouraged, especially if the Declaration will include a request for state or federal assistance.

II. CONCEPT OF OPERATIONS

A. The IC normally makes the recommendation for declaring a state of emergency or disaster to the City Manager, based on information received from the EOC staff, as follows:

1. **Operations:** Identify special powers needed to respond to the emergency or disaster situation. Conduct initial damage assessment. Identify tasks requiring outside assistance.

2. **Planning:** Provide situation and resource summaries and initial damage assessment summary and documentation. Prepare incident status reports utilizing the proper Incident Command System (ICS) forms. Identify any projected tasks potentially requiring outside resources.

3. **Logistics:** Confirm that available resources have been committed, including those made available through mutual aid agreements.

4. **Finance:** Assist in assigning monetary value to preliminary damage assessments and provide estimate of economic impact on the community.

B. The recommendation for Emergency Declaration should include:

1. A geographical description clearly identifying the boundaries of the designated disaster area;

2. If emergency powers are to be invoked, the list of those powers to be included in the declaration with the rationale for their need; and

3. If requesting additional assistance, a brief synopsis of actions the City has taken and a description of the tasks for which outside resources are requested.

C. The declaration of a state of emergency or disaster in Gresham activates Emergency Code 7.45 (Attachment FA2-A). Emergency powers specifically listed in the declaration are also enacted.

D. Although a local declaration is the first step in accessing State and Federal disaster assistance, a declaration does not relieve the City of its responsibilities or authority.

III. ROLES AND RESPONSIBILITIES

A. **Incident Commander.** Determines the need for a declaration to be issued and coordinates supporting documentation. Proposes area and scope of declaration, including boundaries and Emergency Powers to be enacted. Coordinates with City Attorney, adjoining jurisdictions, and County/State Emergency Management agencies, as appropriate.

B. **City Attorney's Office.** Ensures that legal requirements are met.

C. **City Manager.** Approves and signs the Emergency Declaration. Requests the Mayor to convene the Council as soon as practical to ratify the Declaration.

D. **Emergency Management Coordinator.** Ensures that copies of the Declaration are provided to the IC, Multnomah County Chair, County Emergency Management, and surrounding jurisdictions.

E. **Multnomah County Emergency Management.** If assistance is requested as a result of a declaration, Multnomah County Emergency Management will coordinate the assistance from County departments, facilitate inter-county mutual aid, or request additional assistance from the State of Oregon, as appropriate.

IV. EMERGENCY POWERS

Emergencies and disasters sometimes create situations requiring extraordinary measures to ensure the safety and welfare of our citizens. The City's Emergency

Code (Attachment FA2-A) includes a list of Emergency Powers not normally authorized in the course of day-to-day operations.

During a declared emergency, the City Manager may elect to enact one or more of these Emergency Powers by specifically listing them in the declaration. Note: Evacuation cannot be made mandatory unless that specific emergency power is invoked in the declaration.

If needed after the initial declaration, additional Emergency Powers may be enacted through an amendment to the Emergency Declaration.

V. FORMAT

The Declaration of Emergency or Disaster should be presented in one of the two formats provided in Attachments FA2-A/B.

The first format (Attachment FA2-B) is used for the declaration of an emergency without a request for assistance.

The second format (Attachment FA2-C) is used for the declaration of an emergency when additional assistance is requested.

VI. PROCESSING

Whenever possible, proposed Emergency Declarations should be coordinated with the City Attorney's Office prior to enactment. All disaster declarations, including requests for assistance, will be processed through Multnomah County. If conditions exist that preclude Multnomah County's ability to process these requests, declarations and requests for assistance will be communicated directly to the State of Oregon Office of Emergency Management.

As soon as possible, copies of the declaration should be provided to all City Departments, EOC staff, and appropriate County agencies (Chair, Emergency Management, etc.).

ATTACHMENT FA2-A: Gresham Emergency Code 7.45

7.45.010 General provisions. Gresham Code 7.45 may be cited as the Emergency Code.

7.45.020 Definitions:

Emergency. A state of emergency exists whenever the City or any area within the City suffers from, or is in imminent danger of suffering from a tornado, storm, flood, high water, wind-driven water, earthquake, mudslide, snowstorm, drought, fire, explosion, toxic substance, civil disorder, or other catastrophe which requires emergency assistance to save lives and protect public health and safety, or to avert or lessen the threat of a major disaster.

7.45.030 Executive responsibility.

The Manager is responsible for implementation of the Emergency Management Operations Basic Policy. When the Manager determines that a state of emergency exists, the Manager shall make a declaration to that effect and request the Mayor to call a special meeting of the City Council in order to ratify the declaration of emergency.

7.45.040 Declaration and Ratification of Emergency.

(1) The declaration by the Manager of a state of emergency shall:
(a) state the nature of the emergency;
(b) designate the geographic boundaries of the area which is subject to the emergency controls; and
(c) state any special regulations imposed as a result of the state of emergency.

(2) In addition to the statements enumerated in 7.45.040, the ratification by the City Council of a state of emergency shall:
(a) state the duration of time during which the area so designated shall remain an emergency area.
(b) authorize specific emergency powers for the duration of the emergency period set forth in the declaration.

7.45.050 Regulation of Persons and Property.

Whenever a state of emergency is declared to exist within the City, the Manager is empowered to order the following measures in the interest of the public health, safety, or welfare, in the area designated as an emergency area:

(1) redirect City funds for emergency use and suspend standard City procurement procedures;

(2) establish a curfew which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places;

(3) prohibit or limit the number of persons who may gather or congregate upon any public street, public place, or any outdoor place;

(4) barricade streets and prohibit vehicular or pedestrian traffic, or regulate the same on any public street leading to the emergency area for such distance as may be deemed necessary under the circumstances;

(5) evacuate persons;

(6) prohibit the sale of alcoholic beverages;

(7) prohibit or restrict the sale of gasoline or other flammable liquids;

(8) prohibit the sale, carrying, or possession of any weapons or explosives of any kind on public streets, public places, or any outdoor place;

(9) curtail or suspend commercial activity;

(10) turn off water, gas, or electricity;

(11) order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency.

7.45.055 Price Gouging Prohibited

(1) Whenever a state of emergency is declared to exist, no person or business may sell or attempt to sell any goods or services for a price in excess of the normal market price which existed for a good or service prior to the state of emergency. "Normal market price" shall mean the person's or business's average of the regular price of the goods or services for the 30 days preceding the state of emergency.

(2) When a person starts a business or acquires inventory after the commencement of a state of emergency, the price of any goods or services during the state of emergency shall be consistent with the normal market price of the industry for such goods or service, with consideration given to demonstrated higher costs associated with the new business or inventory.

7.45.060 Violation of Emergency Regulation

(1) No person may knowingly violate a regulation imposed under a state of emergency as provided in section 7.45.050.

(2) Violation of an emergency regulation is a Class B misdemeanor.

ATTACHMENT FA2-B:
Declaration of Local Emergency without a Request for Assistance
[This declaration should be prepared on City letterhead]

FROM: Erik Kvarsten, City Manager

at _____on _____
[Time] *[Date]*

A State of Emergency is declared to exist due to

[Insert description of event causing the declaration to be made]

The geographic boundaries of the emergency are

[Insert boundaries]

Emergency powers invoked by this declaration are:

(list specific powers or indicate 'none')

I do hereby declare that a state of emergency now exists in the specified area(s) of Gresham and that all appropriate sections of the municipal codes are enacted.

Signed _____ Date _____

ATTACHMENT FA2-C: Declaration Format Requesting State/Federal Assistance

[This declaration should be prepared on the City letterhead]

TO: _____, Commissioner, Multnomah County.

FROM: Erik Kvarsten, City Manager

At _____ on _____,
(Time) *(Date)*

A State of Emergency is declared to exist due to

[Insert description of event causing the declaration to be made]

The geographic boundaries of the emergency are:

[Insert boundaries]

Emergency powers invoked by this declaration are:

(list specific powers or indicate 'none')

I do hereby declare that a state of emergency now exists in City of Gresham, as described above, and that all appropriate and available resources have been, or will be, expended. I respectfully request that the Commissioner-Chair of Multnomah County declare a "State of Emergency"; consider the area described above as an "Emergency Area" as provided for in ORS 401; request appropriate support from County, State Agencies and/or the Federal Government; and provide the following type(s) of assistance:

*(list **the tasks** for which additional resources are being requested)*

Signed _____ Date _____

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FA 3 – Continuity of Government/ Continuity of Operations

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I. SITUATION

All of the hazards that threaten Gresham have the potential to disrupt or halt government operations. The more severe the disaster or emergency, the more likely it is that resources will be limited, including employees and utilities. Even during disasters and emergencies, however, the public expects that government will continue to provide its normal services.

The City maintains Continuity of Operations (COOP) and Continuity of Government (COG) Plans. In the event of a disruption of City services, the COOP/COG plans may be activated.

This Annex should be used as a reference only. Specific information about COOP/COG should be accessed through the COOP/COG plans, which include:

- Continuity of lawful leadership and authority,
- Preservation of critical records and documents, and
- Continuity of essential operations and services.

Priorities for allocating resources during a disaster or emergency are as follows:

1. Preservation of life
2. Incident stabilization
3. Protection of property and the environment
4. Security.

The Gresham Incident Commander (IC) has the authority to implement this plan, or selected portion(s) thereof, during any emergency. This authority includes, but is not limited to, the activation of the Gresham Emergency Operations Center (EOC). Emergency Management and Department Directors have the authority to activate the individual COOP Plans.

II. CONCEPT OF OPERATIONS

Prioritization of Gresham Government Services

Services provided by each department are identified and prioritized based on the impact they will have on citizens if they are not provided. The nature and severity of the emergency will dictate the degree to which normal services will be available.

Service priorities will be used to determine the sequence in which services will be suspended during emergencies and the order in which they will receive preference for staffing and other resources.

Some department services may become the responsibility of an EOC Section or Unit during response and recovery.

Service Priorities

- **PRIORITY 1.** Services that must be performed to maintain public health and safety, usually involving less than one day of disruption.

- **PRIORITY 2.** Services that should be performed to avoid major disruptions or financial loss to citizens, businesses, and government. These are services that can be delayed usually between one day and one week.

- **PRIORITY 3.** Services that do not meet Priority 1 or 2 criteria and that can be delayed for up to a month without major consequences.

Each department is responsible for determining the sequence in which their services will be suspended if that becomes necessary. Each jurisdiction will also determine the order of priority in which their respective government services will be restored during recovery from an emergency or disaster. Reference department COOP plans for Essential Functions.

Lines of Succession

The Mayor is chairperson of the council and the political head of the City's government. The Council President acts as Mayor whenever the Mayor is unable to perform the functions of that office. (Reference Gresham Municipal Code 2.10.)

Preservation of Records

Each department will safeguard and preserve vital records and documents, as required by law and as needed for providing essential citizen services. These records should be listed in Annex L of each department's COOP.

III. ROLES AND RESPONSIBILITIES/STAFFING

Gresham Emergency Operations Center Staffing

Department Directors should anticipate that personnel assigned to EOC teams will be unavailable for non-EOC duties. As EOC activities evolve from response to recovery, personnel will be released as soon as practical to their agencies/departments. For this reason, personnel assigned to the EOC should not be given significant Continuity of Operations responsibilities, whenever possible.

Department Staffing

Department staffing levels during disasters and emergencies will be based on the level of service that is to be provided and the number of employees available to staff priority functions. Each department will determine the minimum staffing level needed to provide services to the public. These positions are known as COOP Response Team (CRT) members. Identified CRT members will be listed in Annex B of each department's COOP.

Each Department will also assign personnel as COOP Managers to assist department Directors in managing a COOP response.

Personnel so assigned will be made available for training and exercises to enable them to perform their duties.

Continuity of Operations Plan Staffing in the Emergency Operations Center

Staffing procedures and positions will be maintained for COOP/COG functions. These may include, but are not limited to:

- COOP Commander,
- COOP Coordinator,
- COOP Situation Status (SitStat),
- Facilities Unit Leader, and
- Information Technology (IT)/Communications Unit Leader.

If a COOP activation occurs simultaneously with an EOC activation, the above positions will be staffed within the EOC and be part of the Incident Command System (ICS) staffing structure.

If the EOC is not activated when a COOP activation occurs, the above positions may be staffed through individual departments.

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FA 4 – Damage Assessment

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IV. DAMAGE ASSESSMENT OPERATIONS

V. DAMAGE SURVEY REPORTS

VI. DAMAGE RECOVERY CENTER

ATTACHMENT FA4-A: Critical Facilities/Emergency Transportation Routes

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I. SITUATION

Damage assessment is a critical element of response and recovery operations. Early identification of the scope and severity of incident damage does several important things:

A. Immediate information regarding the status of critical facilities and systems (surface routes, fire stations, communications systems, EOC, potential shelters, etc.) will assist the Incident Commander (IC) in managing response efforts.

B. Knowing the type and extent of damage, and which areas in Gresham are most in need of emergency services, will help prioritize use of limited response resources and aid in deciding whether to declare a state of emergency.

C. Early identification provides a measure to determine whether State or Federal assistance is needed. The quicker the City is able to determine that local resources are insufficient or unsuited to meet disaster needs, the quicker the decision can be made to activate State and Federal assistance systems.

II. CONCEPT OF OPERATIONS

A. DAMAGE ASSESSMENT INFORMATION

1. Initial damage assessments are conducted by a number of response agencies in a major disaster (Red Cross; local and State agencies, school districts, etc.). Although some of these assessments are cursory and/or focus on limited aspects of community property damage, the goal is to collect assessment information regarding disaster damage from as many sources as are available.

2. In addition to these outside assessment resources, the EOC Damage Assessment Teams are surveying and assessing the status of critical facilities and transportation routes.

3. Reports of community damage observed by EOC staff and other City employees in the field are another early source of damage information. The City's Building Official can assist in providing qualified staff.

4. Reports of community damage observed and communicated through Amateur Radio partnerships to Amateur Radio volunteers assigned to each Fire Station can provide another source of information.

B. DAMAGE ASSESSMENT PHASES

1. **Damage Assessment 1 (DA-1) Critical Facilities & Systems.** Focuses on the operability of facilities and systems critical to the conduct of response operations.

2. **Damage Assessment 2 (DA-2) Initial Damage Assessment.** Assessment by type, severity, and location to assist in prioritizing response and assistance; provides data for decision regarding an emergency declaration and/or the potential need for outside assistance.

3. **Damage Assessment 3 (DA-3) Preliminary Damage Assessment.** Joint local, State, and Federal effort aimed at providing accurate assessments of financial loss as a basis for federal disaster assistance.

III. ROLES AND RESPONSIBILITIES

A. EMERGENCY MANAGEMENT

1. Pre-identify critical facilities, systems, and transportation routes.

2. Develop coordination procedures with public and private agencies/ organizations for reporting damage information to the EOC.

3. Provide personnel to assist State and Federal Damage Assessment Teams, as requested.

B. EOC OPERATIONS SECTION CHIEF

1. Organize and supervise Gresham Damage Assessment Teams used for DA-1 and DA-2.

2. Initiate damage assessment activities as soon as possible after the event, coordinating Gresham efforts with Federal, State, and local agencies.

C. EOC PLANNING SECTION CHIEF

1. Establish a point of contact in the Documentation Unit for collection, collation, and analysis of community damage assessment information.

2. When directed by the IC, transfer all damage assessment and survey information to the Recovery Team.

D. EOC FINANCE SECTION CHIEF

1. Provide costing data and appraisal methodology for estimating dollar value of damage losses.

2. Assist in preparing damage reports.

E. RECOVERY UNIT LEADER

1. When requested by the IC, assume responsibility for community damage assessment activities.

2. Coordinate assignment of local personnel to State and Federal Damage Assessment Teams.

3. Provide logistical support to State and Federal Assessment Teams and coordinate their activities in the local community.

4. Supervise the City's participation in DA-3 damage assessment and reporting, keeping the IC/City Manager apprised of disaster costs/projections.

IV. DAMAGE ASSESSMENT OPERATIONS

A. **DAMAGE ASSESSMENT 1 (DA-1).** A list of Critical Facilities and Emergency Transportation Routes is provided in Attachment FA4-A and provides a baseline for DA-1 assignments. The Operations Section Chief will establish specific assessment priorities on a case-by-case basis for each incident.

1. Facilities should be examined to determine structural integrity and functional capability: can these facilities/routes be used to conduct response operations?

2. Systems should be analyzed to identify any degradation of performance that might endanger public safety and health over the ensuing 72 hours.

3. Assessment teams should include an estimate of the time required to restore damaged facilities, systems, and surface routes and an estimated cost to do so.

B. **DAMAGE ASSESSMENT 2 (DA-2).** The primary DA-2 objective is to obtain an early initial estimate of the type and extent of damage in the community. Information will be used primarily to determine the need for an emergency declaration.

1. An estimated number of private dwellings and businesses affected by the incident will be needed to support the request for a State or Federal declaration.

2. A "windshield" survey (a cursory, "drive-by" damage assessment) should be conducted as soon as circumstances allow. The American Red Cross often performs this type of survey and may be a source of assessment.

3. Assessment information from DA-1 and other sources should be used in compiling the DA-2 assessment.

4. The Finance Section Chief will provide cost data using information from the County Assessment and Taxation Office or other appraisal methods to assign an estimated dollar value to the damage loss.

5. As soon as available, the Emergency Management Coordinator will forward a copy of the DA-2 assessment to the County's Office of Emergency Management, along with a Notice of Interest (if appropriate) that damage projections may be sufficient to warrant a request for state and federal assistance.

C. **DAMAGE ASSESSMENT 3 (DA-3).** DA-1 and DA-2 assessments serve as the basis for the Preliminary Damage Assessment and Damage Survey Reports, which are used to qualify victims for federal disaster assistance. These formal assessments are a joint local, State, and Federal effort and are often conducted well after the response phase of the emergency.

V. DAMAGE ASSESSMENT AND REPORT FORMATS

A. The assessment forms and report formats for DA-1 and DA-2 Surveys are designed to serve local operational needs and to meet State damage reporting requirements. Copies are available in the EOC. The Operations Section Chief may tailor these to fit a specific disaster situation.

B. The report format for the DA-3 Survey will be specified by the Oregon Office of Emergency Management and FEMA team representatives who are charged with documenting detailed evaluation of the fiscal and social impacts of each project.

C. Survey Reports establish the basis for Federal reimbursement of eligible costs incurred during the emergency. Accurate documentation is critical.

VI. DISASTER RECOVERY CENTER

A. The IC or Recovery Team Chief may be asked to arrange a large facility to serve as a Disaster Recovery Center, where citizens can meet with Federal, State, local, and volunteer agencies to apply for disaster assistance.

B. Appropriate facilities to house this one-stop shopping include schools, churches, and community centers (e.g. Mt. Hood Community College).

ATTACHMENT FA4-A: CRITICAL FACILITIES & EMERGENCY TRANSPORTATION ROUTES

Critical City Facilities
- Gresham City Hall
- Public Safety Building
- Department of Environmental Services (DES) Operations Center
- Fire Stations
- Water Reservoirs/Facilities
- Legacy Mt. Hood Medical Center

Telephone, radio and other communications systems
- 800 megahertz (MHz) radio system
- Nextel system
- EOC HAM radios
- Satellite Phones
- EOC Telephones
- Cell Phone Towers

Emergency Transportation Routes
- See Transportation Annex

Electrical power and natural gas pipeline
- Williams Natural Gas Pipeline
- Electric Sub Stations

Hazardous Material Sites/Extremely Hazardous Substances facilities
- Boeing Corporation
- On-Semiconductor
- Microchip
- Albertson's Distribution Center
- United Agri Products Distribution
- Scenic Fruit Company
- Townsend Farms (Fairview)

Schools, public buildings, and other potential shelters
- Mt. Hood Community College
- Gresham Barlow Schools
- Centennial High School
- Reynolds High School
- Greater Gresham Baptist Church
- 1st Baptist Church
- St. Henry's Catholic Church

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FA 5 – Communications

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IV. COMMUNICATION RESOURCES

ATTACHMENT FA5-A: Communications Diagram

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I. SITUATION

A. Timely communication is critical for emergency alert and warning and absolutely essential to effective response operations. These needs are compounded during major emergencies, when normal operating systems are frequently not available due to damage or as a result of excess demand.

B. The Portland Bureau of Emergency Communications BOEC provides 9 1 1 day-to-day dispatch operations for Gresham Police and Fire agencies. This system has multiple layers of redundancy and should remain available under most emergency situations.

C. Gresham Police Records is the 24-hour alert and warning agency for the City.

II. Concept of Operations

A. City agencies will use normal day-to-day communications equipment and protocols for as long as practical during an emergency.

B. The incident commander (IC) has overall responsibility for incident communications, and once the EOC is activated, it becomes the focal point for all incident-related communications and information.

C. Emergency Operations Center (EOC) communications capabilities include 800 MHz (fire, police, DES), low band (DES), state disaster net, Law Enforcement Data System (LEDS), and amateur radio systems. The EOC also has primary and back-up landline telephone, cellular phone, pager, Local Area Network, satellite phone, and Internet capability.

D. Communications discipline, including using common terminology and plain language (language that is direct, succinct, and pertinent information flow), is essential to optimizing system capabilities and response effectiveness.

III. Roles & Responsibilities

A. INCIDENT COMMANDER

1. Responsible for overall incident communications.

B. BOEC 911/DISPATCH OPERATIONS

1. Provides day-to-day dispatch and emergency communications for Gresham Police and Fire.

2. Refers incident-related calls to the EOC if requested by the IC.

C. GRESHAM POLICE RECORDS

1. For Level 1 and 2 emergencies, notifies Emergency Management and selected EOC team members as requested by the IC.

2. For Level 3 emergencies, automatically notifies the on-call EOC Team and activates the EOC.

3. Conducts emergency callback of police and fire personnel.

4. Forwards emergency-related communications to the EOC.

D. GRESHAM EMERGENCY OPERATIONS CENTER

1. Logistics Section Chief
   a. Develops and implements the communications portion of the Incident Action Plan to, include frequency and talk group assignments.

   b. Allocates, tracks, and maintains communications equipment.

   c. Provides technical support and assistance for phone, fax, and data systems

2. Planning Section Chief
   a. Operates the EOC Message Center

   b. Manages EOC incident communications, including message prioritization and distribution

   c. Tracks internal EOC communications flow and follow-up to message requests

3. Amateur Radio
   a. Multnomah County Amateur Radio and Emergency Services (ARES) provide the amateur radio capability for Gresham.

IV. Communications Resources

A. TELEPHONE SYSTEMS

1. LANDLINE: Gresham has Verizon telephone services for day-to-day and emergency use. The EOC has 15 dedicated telephone lines available on activation.

2. FAX: Fax machines reduce the requirement for radio and voice transmissions, as well as increase communications accuracy.

3. CELLULAR: If necessary, the Logistics Section Chief may recall and reissue City cellular telephones.

4. POWER LOSS PHONES: Gresham has six analogue phones that are available in the event of a power loss.

5. PAGERS: Designated personnel carry pagers to ensure they can be contacted at all times during the course of routine operations and in the event of an emergency. Many pagers have alphanumeric capabilities that enable graphic messages to be relayed using data terminals or personal computers.

6. NAWAS: The National Warning System (NAWAS) is a nationwide warning system that provides two-way voice communications between Federal, State, and local warning points. The NAWAS drop for Gresham is located at Police Records.

B. RADIO SYSTEMS

1. 800-MHz RADIO: Gresham Fire and Police use 800 MHz as their primary communications net. The DES has a limited number of 800 MHz radios that are issued during emergencies.

   Public safety agencies in adjoining jurisdictions also use the 800-MHz net for primary communications (Multnomah County Sheriff, Fairview and Troutdale Police, and Corbett Fire).

   In addition, the Oregon Department of Transportation (ODOT), Oregon State Police (OSP), Multnomah County Environmental Services, and some local schools and businesses have limited 800-MHz capabilities.

2. High Frequency (HF)/Ultra High Frequency (UHF)/Very High Frequency (VHF) RADIO: The DES operates its primary communications net on low band radio. Other response agencies in East County operate on HF, UHF, and VHF radio networks.

3. STATE DISASTER NET: The State Disaster Net is designed to provide independent communications between Emergency Centers throughout the state and the State Office of Emergency Management in Salem.

4. AMATEUR RADIO: ARES members provide a critical back-up radio net for the EOC, including "packet" capability (a type of radio "faxing").

   In addition to staffing the EOC amateur radio positions, Fire Corps volunteers are scheduled to establish amateur radio communications at Gresham fire stations 72, 73, 74, 75, and 76; Mt. Hood Legacy Medical Center; and Mt. Hood Community College.

   ARES also provides mobile capability. A copy of the State and Regional Amateur Radio Communications Plan is available in the EOC.

5. TELETYPE: Gresham has LEDS terminals in the Police Department and the EOC. Oregon Emergency Management (OEM) transmits official information and warnings via LEDS. The National Weather Service also transmits official warning of dangerous weather situations through the LEDS net.

6. COMPUTERS: Local area networks and the Internet provide excellent capability to transfer data information. A listing of E-mail addresses is available in the EOC. Mobile Data Terminals interface with mobile radios and base stations located in most emergency response vehicles.

C. ADDITIONAL COMMUNICATIONS RESOURCES

1. MULTNOMAH COUNTY EMERGENCY MANAGEMENT: The County has a Mobile Incident Command Post (MICP) that may be activated during an emergency. The MICP van contains 800-mhz, VHF and UHF radios; fax facilities, cellular phones, and a computer system.

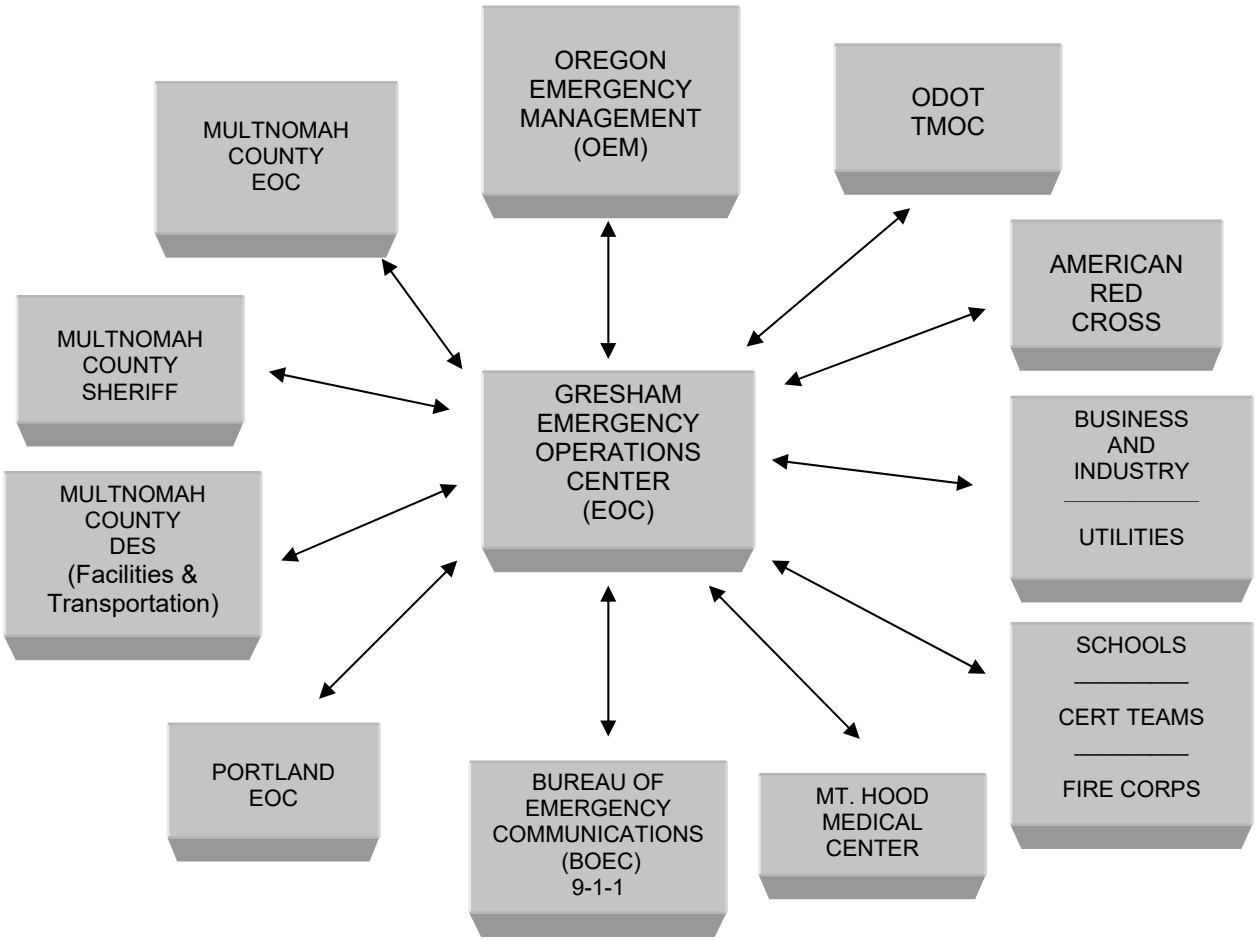
2. OREGON STATE POLICE (OSP): OSP has a mobile Communications Van with the capability of replacing or augmenting emergency communications. The van contains State Police programmable high band, UHF, CB Amateur, and HAM radios and cellular phones. Radio bands include search and rescue and Oregon Police Emergency Network frequencies. Mobile Emergency Response Systems (MERS) can be requested through OEM.

3. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): FEMA has several MERS mounted on vans. MERS carry a variety of communications resources, including satellite-based radios. The local emergency manager or designee can request these resources through the OEM Office.

4. STATE/FEDERAL WILDLAND SYSTEMS: Radios and other communications devices, including repeaters, radiotelephone interconnects and satellite downlinks, are available through the Oregon Department of Forestry, the USDA Forest Service, or the Bureau of Land Management.

5. COURIERS: Couriers may be assigned to transfer written messages to and from the EOC when other communications methods are not available.

ATTACHMENT FA5-A: Gresham Emergency Communications Diagram



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FA 6 – Resource Management

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I. SITUATION

Resource management during emergencies is based on the concept that disasters are fundamentally a local responsibility. Thus, local jurisdictions are expected to commit all their available resources before requesting outside assistance. Such resources include those available through mutual aid and equivalent agreements. Resource tracking (availability and accountability) is a critical element of response management.

During a declared emergency, if sufficient resources are not available, or when a unique resource is needed, the City may request State or Federal assistance. This request must be sequentially processed through the County to the State and then to the Federal government, as needed.

In addition to Gresham assets, the City has potential access to additional resources available through Mutual Aid and equivalent agreements. Attachment 1 has a listing of applicable agreements. Resources from neighboring jurisdictions give Gresham access to a pool of response personnel and equipment that would not normally be available.

II. CONCEPT OF OPERATIONS

During a declared emergency, the incident commander (IC) has the authority to assign and use all available resources and personnel. When faced with multiple or conflicting demands, the IC is responsible for establishing the order of priority in which resources will be committed.

III. INCIDENT PRIORITIES

1. **Life Safety**
   Responders
   At risk populations
   Public at large

2. **Incident stabilization**
   Protection of mobile response resources
   Isolation of the impacted area
   Containment of the incident

3. **Protection of Property and the Environment**
   Protect public facilities essential to life safety/emergency response
   Protect the environment whenever public safety is threatened
   Protect private property

4. **Security**
   Preservation of evidence

IV. ROLES AND RESPONSIBILITIES

A. Departments

1. During routine (LEVEL 1) emergency operations, each department will manage its own resources, using mutual aid agreements as necessary to meet incident requirements.

2. During LEVEL 2 and LEVEL 3 emergencies, each department will commit all available resources to the IC for allocation according to needs and priorities.

B. Incident Commander

1. Allocate resources in a manner that provides the most benefit for the amount of resources expended.

2. Provide a financial management report to the City Manager daily.

3. Coordinate citizen requests for disaster assistance.

4. Activate mutual aid agreements if needed to access additional resources.

5. Request State and/or Federal assistance, as warranted.

C. Emergency Operations Center (EOC) Staff

1. **Operations.** Identifies resource requirements. Reports resources that are excess and can be released or reassigned.

2. **Planning.** Maintains a current status of resource inventory needs and commitments. Develops a recommended priority list for restoration of City services.

3. **Logistics.** Serves as point of contact for all resource requests (EOC staff, mutual aid partners, etc.). Processes requests for resources; and provides support and maintenance of resources under EOC control to include personnel, equipment, and fixed assets.

4. **Finance.** Tracks all incident-related expenditures in accordance with costing guidelines and Federal Emergency Management Agency (FEMA) requirements. Prepares and submits required resource management reports.

V. EMERGENCY FISCAL MANAGEMENT

A. Situation

1. Fiscal management in an emergency situation is difficult, as response resources and essential systems may be dysfunctional. Often (and appropriately), emphasis on emergency response takes precedence over accountability and documentation.

2. Managers and supervisors must use effective administrative methods to keep accurate detailed records distinguishing disaster operational expenditures from day-to-day operational expenditures.

3. Each individual involved in response and recovery must make a concerted effort to provide accurate and timely documentation of incident-related activities.

B. Roles and Responsibilities

1. Incident Commander
   a. Is authorized emergency contracting and purchasing authority as needed during the first 72 hours of a declared emergency; and
   b. Will provide a fiscal assessment to the City Manager within 72 hours of an emergency declaration, including estimated to-date costs and projected expenses.

2. Director, Finance and Management Services
   a. Develop and maintain forms and procedures for emergency teams to record personnel time, materials, and equipment purchased or rented, and other necessary expenses;
   b. Ensure that the City incurs disaster expenses from currently appropriated funds, in accordance with current State and local laws;
   c. Identify other sources of funds to meet disaster-related expenses if the operating budget is exceeded;
   d. Document emergency-related activities and costs and provide for identification and preservation of essential expenditure records; and
   e. Provide documentation and claims information for the City's Insurance Carrier

3. EOC Finance Section Chief
   a. Coordinate disaster-related purchases and expenditures and prepare compilation of disaster-related financial information; and

b. Collect, collate, and report disaster information to assist State and Federal agencies to evaluate and respond to requests for assistance. These reports include but are not limited to:

- Situation Reports
- Declarations of Emergency
- Requests for Assistance
- Damage Assessment Reports
- Financial Reports.

IV. SPECIAL CONSIDERATIONS

A. Environmental Considerations

1. In instances where emergency work is performed to protect life and property, requirements for environmental review and permits may be waived or orally approved in accordance with local, State, and Federal laws.

2. Repair and restoration of damaged facilities may require an environmental impact permit prior to final project approval.

B. Contracting and Purchasing Under Emergency Conditions

1. For the first 72 hours of a declared emergency, the IC is authorized to contract for equipment, services, and material necessary to protect life and property.

2. In addition, the IC is authorized to contract with any person, firm, corporation, or entity to provide construction work on an agreed-upon cost basis throughout the period of a declared emergency or disaster.

3. No later than 72 hours after declaration, the IC will submit to the City Manager for review and approval the actual to-date costs and estimated future costs. The City Manager will authorize the IC further contracting and spending authority, or direct a return to normal day-to-day procedures.

C. Suspension of Bidding Requirements

1. Under emergency conditions, where it is essential to the health, safety, or welfare of the people that immediate action to be taken, a public works contract may, in all classes of cities and districts, be let without following statutory competitive bidding requirements.

2. If the Emergency Power suspending normal procurement procedures (bid requirements, notice for special meeting, etc.) are no longer in effect, allowing more expeditious and timely response. The provisions regarding notice for a special meeting do not apply in emergency situations.

3. Even though bid requirements can be waived, it is prudent to follow bid procedures to the greatest extent possible to ensure the lowest possible price and general fairness to competing contractors or suppliers.

D. Bonds and Retainage

1. Performance and payment bonds are not required for contracts in extreme emergencies.

2. As most emergency contracts are short, and typically only one payment is made upon completion, no formal retainage amount need be withheld. Full payment should not be made until clearances from all authorities have been obtained.

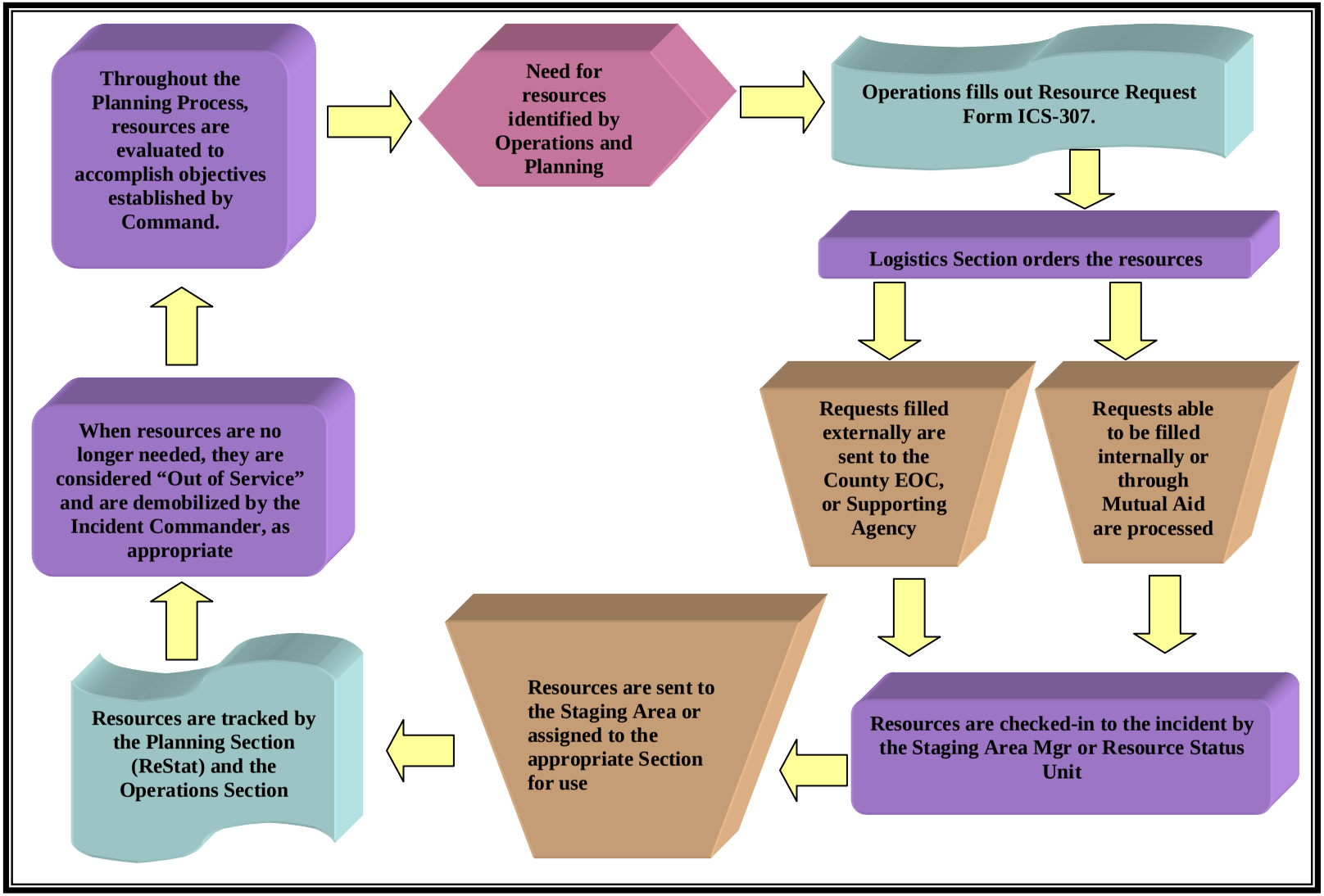
E. Other Considerations

1. Prevailing wage laws, unemployment compensation contributions, and other applicable State and Federal regulations (other than bidding laws for public contracts) must be followed before final payment.

ATTACHMENT FA6-A: GRESHAM MUTUAL AID AGREEMENTS

- Co-Operative Public Agencies of Washington County for Sharing of Equipment and Resources
- Portland Metropolitan Area Transportation Co-Operative Intergovernmental Agreement for Equipment and Services
- Regional Emergency Management Intergovernmental Agreement
- Multnomah County Fire Defense District Mutual Aid Agreement with Corbett District 14
- Multnomah County Fire Defense District Mutual Aid Agreement with Portland Fire
- Multnomah County Fire Defense District Mutual Aid Agreement with Port of Portland
- Multnomah County Fire Defense District Mutual Aid Agreement with Sauvie Island District 30
- Multnomah County Fire Defense District Mutual Aid Agreement with Washington County Fire Defense District
- Multnomah County Fire Defense District Mutual Aid Agreement with Clackamas County Fire Defense Board
- Mutual Assistance Agreement with City of Portland Bureau of Fire, Rescue and Emergency Services
- Agreement for Mutual Aid in fire Suppression with Portland, District 10, District 14 and Gresham
- Metro Gang Task Force Memorandum of Understanding
- 190 Agreement Gresham/Multnomah County Sheriff's Office for combined Special Emergency Response Team (SERT)
- GEM- Grounds Equipment Maintenance- A Pacific NW Inter-agency Cooperative

ATTACHMENT FA6-B: Resource Request Process Flow Chart



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FA 7 – Public Information

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PUBLIC WARNING/EMERGENCY PUBLIC INFORMATION

This system provides reliable, timely, and effective information/warnings to the public at the onset of, and throughout, a disaster.

I. SITUATION

A. During an emergency, there are two major facets of Public Information activity: the City's direct communication with citizens and the City's relationship with local and national news media to convey information to the public. When coordinated, these activities complement each other.

1. **City to Citizen Information.** Accurate and timely flow information to citizens is a critical element of emergency response and recovery. Required communications range from initial warning and what response actions citizens should take to how and where they can receive disaster assistance. A public knowledgeable of the City's efforts to contain and minimize the impact of a disaster on the community become a strong partner in response and recovery.

2. **City/News Media Relationship.** Major emergencies often result in intense attention from both local and national news agencies. Coordination of information with the media can best be accomplished by establishing a procedure that provides complete and accurate information before, during, and after an emergency.

B. Effective public information not only aids the community in response and recovery from emergencies but also contributes to enhanced understanding and respect for the City.

II. CONCEPT OF OPERATIONS

A. During a routine LEVEL 1 emergency, the Lead Agency is responsible for working with the Communications Manager/Public Information Officer (PIO), to ensure that information is disseminated through the appropriate channels.

B. During a LEVEL 2 emergency, the Lead Agency is responsible for working with the Communications Manager/PIO to ensure that information is disseminated appropriately. The PIO may request additional support from other City Departments or the Emergency Operations Center (EOC) Teams.

C. During a LEVEL 3 emergency, the Incident Commander (IC) is responsible for all public information activities in the city. The PIO works directly for the IC and also coordinates public information support for the City Manager, Mayor, and City Council.

D. In the event of a major disaster or complex incident involving multiple agencies, the IC may decide to activate a Joint Information Center (JIC). PIO representatives from each participating jurisdiction, agency, and organization jointly staff the JIC, working as a team to conduct a coordinated, consistent public information program.

III. Roles and Responsibilities

A. Incident Commander
   1. Maintain responsibility for all incident-related public information activities.
   2. Approve all information releases.
   3. Coordinate public information support for the City Manager, Mayor and City Council.

B. Public Information Officer
   1. Develop incident-specific public information plan to address City to Citizen and City to Media program activities.
   2. Manage the flow of all external information.
   3. Coordinate all incident-related public information activities with participating agencies and jurisdictions to ensure that accurate and consistent message are sent and received.
   4. Provide public information support for the City Manager, Mayor, and City Council, as directed by the IC.
   5. Promote inter-agency coordination under a Unified Command and actively participates in JIC activities, when activated.

C. City Manager, Mayor, and Council
   1. Coordinate preparation for media interviews and press conferences with the IC and PIO.

D. City Employees and Emergency Workers
   1. Refer all requests for incident information to the PIO.
   2. Do not offer personal opinions, conjecture, or off the record comments regarding any aspect of the incident or related activities.

IV. Information Flow

One of the most important responsibilities of the PIO is to manage the flow of information from the scene of the incident to and among participating agencies and the media. The PIO must be able not only to disseminate information but also to track down the information needed. The PIO should receive a copy of all Incident Command system (ICS) forms as they are generated during the incident.

A. Release of Information
In emergencies, the PIO will use the following guidelines in evaluating and releasing information concerning the incident.

1. The IC must approve all information releases; if a Unified Command is managing the incident, releases will be reviewed and approved by all command participants.

2. When working with private sector entities, public safety issues will be the responsibility of the public safety agencies; questions about corporate policies or processes will be referred to the private sector spokesperson.

3. The Public Information Officer will assist in formulating Emergency Alert System (EAS) messages and other communications with the public. The PIO will disseminate these messages with appropriate media representatives. For more information about EAS, see Section II-A, Alert and Warning.

4. Accurate information must be provided to various public groups, including citizens, the EOC staff, and the media. Confirmed facts should be released within an hour of the event. If facts are sparse, the PIO should consider releasing a conditional statement. (See Attachment FA7-C.)

5. Information releases should be restricted to approved, specific, and verified facts concerning the event and should include:
   a. Nature and extent of incident;
   b. Impacted or potentially affected areas of Gresham and East Multnomah County;
   c. Advice on emergency safety procedures, if any;
   d. Activities being conducted by response agencies;
   e. Procedures for reporting emergency conditions to the EOC; and
   f. Contact numbers and web addresses for additional information.

6. Information concerning the event should be consistent for all members of the media and presented objectively.

7. Rumor control is vital during emergency situations.
   a. Sensitive or critical information must be verified and authorized by the IC before release.

b. Inaccurate information published by the media should be corrected immediately. Rumors, unconfirmed information, or information from unauthorized or unnamed sources will be responded to.

8. Examples of information that media representatives often request are provided in Attachment FA7-A. Use this as a tool to prepare for press briefings; help ensure the availability of concise, accurate information; and prevent personnel from being caught off guard.

9. No information should be released that might hinder emergency response, prejudice the outcome of an investigation, or pose a further threat to public safety.

10. No personal opinions, conjecture, or off-the-record comments should be offered.

11. In an incident involving fatalities, the names of the victims or the cause of death shall not be released without authorization from the IC and the Medical Examiner's office.

12. Confidential information is not to be released. This includes the home phone numbers and addresses of all personnel assigned to the incident, whether paid or volunteer.

13. The PIO will allow escorted media access to the EOC only under limited, controlled circumstances and only with the prior approval of the IC. Before being admitted to the EOC, media representatives shall display appropriate identification and shall be escorted by a member of the Information staff at all times.

14. Information briefings, media releases and all interviews shall be logged and, if possible, tape-recorded. Copies will become part of the final incident documentation package.

15. Whenever possible and appropriate, media briefings shall be scheduled in cooperation with media deadlines.

    Do not commit to firm briefing times unless it is certain that these times will be kept. In general, mid-morning will accommodate the needs of most media outlets.

B. Field Information and Media Access

1. The Field Information Officer is the member of the PIO staff assigned to manage media operations at the incident scene. This position should be filled by someone from the lead agency who can offer expertise in tactical and operations being conducted.

2. In cooperation with on-scene personnel, media representatives may be allowed restricted access to the scene. Safety of media personnel, any

impact on response activities, and victim concerns should all be considered before access is granted. A member of the Information staff must escort any media elements that have been given access inside the outer perimeter.

3. If it is not safe or practical to admit all media representatives to the scene, a media pool may be created, whereby media representatives designate a restricted number of reporters and, usually, one camera crew to represent all media interests.

4. If even this limited, controlled access is not practical, video footage of response vehicles and support activities can often satisfy the media's need for video footage.

5. Response personnel should be protected from unwanted media intrusion. If media disruption interferes with off-shift personnel rest, security perimeters may need to be established. Media interviews with response personnel should be cleared through the Operations Section Chief and the IC. A member of the Information staff should accompany members of the press at the scene at all times. Response personnel should be instructed to refer all requests for information to the PIO.

6. Victims and their families should have access to public officials without having to face the media. Care should be taken to provide a secure entrance to public facilities or a meeting room located away from press activity.

7. When an incident takes place on private property, access will be coordinated with the owners of the site, if possible.

8. If the situation should get out of control, law enforcement officials have the authority to arrest and remove members of the press (and any other unauthorized persons) who are interfering with the safe management of the incident or whose actions represent a threat to the safety of themselves, responders, or the public.

C. Rumor Control and Public Assistance

1. The PIO may establish a rumor control call-in line. This line gives the general public a place to obtain accurate information regarding the incident. Rumor control numbers should only be published after the lines have been staffed. Publication of rumor control numbers can result in fewer non-emergency calls to 911.

2. All requests for assistance received by information staff should be routed to the EOC Message Center Unit for processing. If several callers are seeking the same information (e.g., how to make water safe for consumption), Information staff should help functional experts develop a standard response. This response should then be given to the EOC staff and call-taker locations that normally receive such calls from the public (Police Records, City and departmental switchboards, etc.).

3. PIOs can use fax or e-mail to provide standard statements for authorized personnel to use when responding to requests for information.

4. One of the most effective methods of rumor control and accurate information flow is to keep the EOC staff informed of all PIO releases and other activities.

V. Media Facilities

A. Information/Media Center

1. An Information Center and briefing area may be established to provide information to the media during large, long-term incidents. An Information Center Manager may be assigned to manage the activities of the Center.

2. The Information Center should be some distance away from the incident location and separated from the EOC to keep critical activities free from media interference.

3. The following areas are potential sites for the Information Center during emergencies:
   a. City Council Chambers;
   b. Local public facilities (schools, libraries, etc.); and
   c. Private facilities such as hotels, motels, etc.

4. In the event of a major, extended incident, it may be more convenient and efficient for briefings to take place at a conference center or large hotel where activities will not interfere with the EOC or field operations.

5. Almost as important as the physical facilities is the supporting equipment. The media facility should have:
   a. A bank of phones;
   b. Computers housing word processors, atlases, and other pertinent data bases;

c. WiFi/Internet Access;
d. Audiovisual devices to support briefings, such as LCD projectors, televisions, sound systems, etc.;
e. Standard devices such as flip charts, easels, cling-sheets, and office supplies; and
f. City seal and podium for briefings.

B. Joint Information Center
In a major incident involving multiple agencies or jurisdictions, the IC or Public Information Officer may establish a JIC.

1. A JIC is ideally set up in a central location where Information Officers representing participating agencies and jurisdictions can coordinate information released to the media and the public.

2. When selecting a location, it should be remembered that the closer a JIC is to the IC, the greater the possibility of the media interfering with communication activities. There are also times when the IC and staff need to be sheltered from media scrutiny.

3. The location and activation of a Media Center or JIC should always be coordinated with the IC.

VI. Special Considerations

A. Dissemination of timely and appropriate information to the general public is critical. The public is composed of many different elements, and the PIO needs to know which specific audience is being targeted to communicate effectively.

B. Pre-event preparation is absolutely essential for prompt and timely media interface. Lead Agency PIOs should anticipate the type of information that will be in demand for each of their hazard-specific events and prepare a menu of potential initial releases, including a Protective Action statement (See Attachment #3).

C. City PIOs and Lead Agency spokespersons need to cultivate a positive relationship with local media representatives before disaster strikes or the emergency occurs. Expectations, roles, protocols, and other issues should be shared and discussed. Whenever possible, media should be included in exercises of the Emergency Operations Plan (EOP) and EOC.

D. PIOs should pre-program frequently used media contacts into EOC fax machines and e-mail groups to facilitate a quick transition from normal to incident information flow.

Attachment FA7-A: Information Often Requested By the Media

Casualties

A. Number killed or injured
B. Number who escaped
C. Nature of injuries received
D. Care given to the injured
E. Disposal of the deceased
F. Prominent individuals who were killed or injured
G. How escape was hindered or stopped.

Damage

A. Estimated dollar value of loss
B. Description - kind of building, etc.
C. Importance of the property, e.g. historic value
D. Economic impact on the area
E. Environmental impact on the area
F. Other property threatened
G. Insurance protection
H. History of similar emergencies in the area

Causes

A. Testimony of participants
B. Testimony of witnesses
C. Testimony of responders

Discovery

A. How emergency was discovered
B. Who sounded the alarm
C. Who summoned aid
D. Previous indications of danger

Rescue and Relief

A. The number engaged in rescue and relief operations
B. Identification of mutual aid response agencies
C. Any prominent persons in the relief effort
D. Equipment used
E. Complications to rescue effort
F. Hazards and dangers to rescue personnel
G. Care of destitute and homeless

H. How the emergency was prevented from spreading
I. How property was saved
J. What relief programs are in place for victims?
K. Acts of heroism

Descriptions of the Crisis or Disaster

A. Spread of the emergency
B. Blasts and explosions
C. Crimes or violence
D. Failed attempts at escape or rescue
E. Duration
F. Collapse of structures
G. Color of flames
H. Extent of spill

Accompanying Incidents

A. Number of spectators-spectator attitudes and crowd control.
B. Unusual happenings
C. Anxiety, stress of families, survivors, etc.

Legal Actions

A. Inquests, Medical Examiner reports, etc.
B. Police follow-up
C. Insurance company actions
D. Professional negligence or inaction
E. Suits stemming from the incident

ATTACHMENT FA7-B: Area Information Officers

Boeing

Suzie Mazzio	971-563-0387

Fairview

City Administrator's Office	Joe Gall	503-665-7929
Police Department	Chief Ken Johnson	503-674-6213

Gresham

City Hall	Laura Bridges-Shepard	503-618-2247
DES	Tam Driscoll	503-618-2623
Fire Department	Chief Scott Lewis	503-618-2339
Emergency Management	Kelle Landavazo	503-618-2567

ON Semiconductor

Emergency Manager	Carol Markley	503-618-3652
	Jim Huguet	503-618-4368

Microchip Technology

Mt. Hood Community College

All inquiries	Al Sigala	503-491-7213

Mt. Hood Legacy Medical Center

On-call PIO for entire Legacy system	On-call pager	503-938-7788

Multnomah County

Animal Control	John Rowton	503-988-7387
Board of Commissioners	Bill Farver	
Public Health	Althea Milechman	503-988-6805
Sheriff's Office	Jason Gates	503-251-2451
Human Services	Althea Milechman	503-988-6805

School Districts

Centennial	Wendy Reif	503-742-3202
Gresham-Barlow	Athena Vadnais	503-618-2834
Reynolds	Wayne Travillion	503-661-7200
	Angela Watson	X 3428

State of Oregon

ODOT Region 1	Shawn Uhlman	503-731-8559

Troutdale

City Administrator's Office	John Anderson	503-665-5175
Police Department	Chief Dave Nelson	503-492-3603 x 225

Wood Village

City Administrator's Office	Sheila Ritz	503-667-6211

ATTACHMENT FA7-C: Sample Media Release Protective Action Statement

(Make sure that all releases are on official letterheads, dated, and time stamped.)

Initial Press Release

We are aware than an (accident/incident) involving (type of incident) occurred at approximately (time), in the vicinity of (general location). Emergency crews are responding, and we will have additional information available, as we are able to confirm it.

We will hold a press briefing at (location), and will notify the press at least ½ hour prior to the briefing. At this time, this briefing is the only place where officials authorized to speak about the incident and confirmed information will be available.

Thank you for your assistance and cooperation.

Attachment FA7-D: ICS Forms as a Source of Information

1. Incident Status Summary (ICS-209)/Incident Status Summary Form
   The Planning Section or the official requesting activation of this plan will complete some or all of the information on this form, including: analysis of the type of incident, size, damage (both current and expected), injuries or deaths, and initial response totals for personnel and resources. Some of the information on this form should be regarded as sensitive and should possibly be restricted. Use your discretion and discuss this with the IC.

2. Incident Action Plan (ICS Forms 202, 203, 204, 205, and 206)
   The Planning Section will complete this document for complex incidents. It contains more detailed information about the incident, responders, and plans for control. With the approval of the IC, portions of the Incident Action Plan may be used to brief, or be released to the media.

3. Event Log
   The Logistics Section maintains a chronological summary of the incident, tracking major events occurring during the incident, both as a result of the emergency and in response to it.

4. Unit Log (ICS 214)
   The Unit Log is used to document action taken, instructions to unit staff, and occurrences significant to the unit.

5. Warning Log
   The Warning Log is used to document time, method, and nature of warnings to the public (EAS) and protective action statements issued. The Information staff maintains this log. A copy of related press releases should also be kept with this file. If a Warning Log form is not readily available, keep your records on not paper.

Original copies of the forms discussed above must be turned over to the Documentation Unit at the end of the event, where they will become part of the final incident documentation package.

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FA 8 – Medical Operations

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- B. County Health Department
- C. County Community & Family Services Department

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I. Situation

A. The County Health Department is charged with responsibility for the day-to-day provisions of public health services and emergency plans for oversight of the medical system. It also administers the protocols for emergency medical services and the contract for medical transportation.

B. Gresham Fire and Emergency Services are responsible for routine emergency medical response operations. Gresham Fire and Emergency Service also provide contracted support to the cities of Troutdale, Fairview, and Wood Village.

C. The County Department of Community and Family Services (Behavioral Health Division) provides disaster mental health services to citizens of the county, as well as counseling for responders.

II. Concept of Operations

A. **Medical Services.** Gresham Fire will use day-to-day protocols for emergency medical response during a disaster as long as practical. If a mass casualty incident (MCI) occurs, the Incident Commander (IC) will notify the County Health Department, who will activate the County's MCI Plan. The County Health Officer (or designee) will report to the IC and assume the Medical Branch Director position under the Operations Section Chief.

B. **Mental Health Services.** Trauma Intervention Program (TIP), Inc. provides emergency trauma intervention services for Gresham citizens on a daily basis, as requested by the IC. The City also provides counseling services for all employees. If the need for mental health services is beyond the capability of available resources, the IC and/or TIP representative notifies the Behavioral Health Duty Officer. The officer or his or her representative will then report to the IC and assume the Disaster Mental Health Group Supervisor position under Operations.

III. Roles & Responsibilities

A. The IC will:

1. Ensure notification of the County Health Duty Officer in the event of an MCI.

2. Request TIP support as needed for immediate trauma intervention.

3. Ensure notification of County Behavioral Health Division Duty Officer, as needed for mental health services.

4. Integrate the medical and/or mental health representatives into the Incident Command System (ICS) structure.

B. Multnomah County Health Department will:

1. Ensure that emergency medical protocols are coordinated with participating organizations and agencies.

2. Develop and maintain internal emergency response plans that provide initial medical response, medical support for rescue operations, hospital capability assessment and support, public health assessment and response, medical evacuation/transport, and support for mass fatalities.

3. Provide Duty Officer contact information and procedures to Gresham Emergency Management.

C. Multnomah County Community and Family Services Department will:

1. Develop and maintain internal emergency response plans that provide disaster mental health services for the public and responders;

2. Coordinate the integration of nonprofit, private, and volunteer mental health providers in emergency operations; and

3. Provide Duty Officer contact information and procedures to Gresham Emergency Management.

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FA 9 – School Crisis Management

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ATTACHMENT FA9-A: Gresham Emergency Management Contacts

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I. SITUATION

A. In addition to Mt. Hood Community College (MHCC), there are three independent school districts operating in Gresham: Centennial, Gresham-Barlow, and Reynolds.

B. District boundaries do not coincide with city or county political borders, and as a result, school authorities routinely deal with a variety of public safety and public service agencies during emergency situations. First responders may encounter different policies and procedures being applied to the same type of incident, depending on the location and district affiliation of the incident school.

II. CONCEPT OF OPERATIONS

A. In order to provide effective and consistent response to crisis situations at all schools in Gresham, the three districts and the college have formed a Schools Emergency Planning Group.

B. The mission of the Schools Emergency Planning Group is to:

1. Establish a forum where officials from the City, the districts, and MHCC can share information and ideas about disaster preparedness and crisis management;

2. Identify and jointly coordinate contingency planning and response generated by crisis situations in educational settings;

3. Establish an emergency communications plan linking the school districts and MHCC to the Gresham Emergency Coordination Center (ECC);

4. Work toward standardizing school, district, and community college responses into an integrated emergency response plan; and

5. Develop training programs to make students, teachers, staff, and parents aware of the hazards and risks facing the community and their roles in response and recovery activities.

III. ROLES AND RESPONSIBILITIES

A. Gresham Emergency Management will:

1. Integrate School Crisis Management into the Gresham Emergency Management Program;

2. Establish a schools liaison function in the Emergency Operations Center (EOC);

3. Help develop an emergency communications net linking the EOC with school districts and MHCC;

4. Assist education officials in developing and administering crisis management and disaster preparedness training;

5. Coordinate and evaluate crisis management exercises in Gresham area schools;

6. Include public information representatives from school districts and MHCC in the Gresham Joint Incident Information program; and

7. Assist education officials in coordinating crisis management plans and procedures with law enforcement, fire, and emergency medical services.

B. School Districts/MHCC will:

1. Establish internal crisis management and disaster preparedness programs to prepare for, respond to, and recover from incidents or disaster situations;

2. Identify and train personnel to staff crisis management positions;

3. Help develop and maintain an emergency communications net to link their district/schools to the EOC;

4. Provide Emergency Management current copies of school activity calendars and key contact listings;

5. Train students, teachers, and staff in disaster preparedness and crisis response procedures;

6. Conduct semi-annual crisis management/disaster response exercises;

7. Retain responsibility for school/student/parent communications, transportation, safety, security and counseling activities; and

8. Designate a primary spokesperson to participate in the Gresham Incident Information program.

IV. CRISIS MANAGEMENT PLAN

A. Previous joint planning activities produced a model Crisis Response Guide for East Multnomah County schools. This guide:

1. Standardized incident definitions;

2. Described the relationship between school personnel and emergency responders;

3. Encouraged schools to use Incident Command System (ICS) to manage crisis situations.

B. The Crisis Response Guide consisted of two major components:

1. A detailed plan of response actions tailored to crisis-specific situations; and

2. User-friendly response checklists that could be posted in every classroom and office for quick reference.

Districts tailored these components to reflect internal notification procedures, site-specific characteristics, and other unique elements of their individual plans.

V. INCIDENT COMMAND

A. The school official on site is in charge until police or fire responders have arrived and taken control of the incident.

B. Prior to turning over on-scene responsibility, the school official should provide the incoming incident commander (IC) with:

1. A Situation Report/Update,

2. A description of the current plan,

3. A list of any immediate problems, and

4. The numbers and names of staff and students involved.

C. Once this briefing is complete, the incoming IC formally assumes control. The on-site school official becomes an important liaison to the IC, continuing to provide facility knowledge, on-site expertise, and available resources.

VI. CRISIS LEVELS

To assist school officials and first responders in recognizing the varying degree of intensity and potential impact of a particular situation, the three crisis levels outlined below have been established for Gresham.

LEVEL 1

"Routine" crisis management situations that can usually be handled with resources available at the incident location. Outside assistance is normally not required, and procedures for district notification and reporting are followed.

LEVEL 2

Situations characterized by need for assistance from agencies outside of the school and/or district (medical emergency, shop fire, etc.). The request most often takes the form of a 9-1-1 call for police, fire, and/or medical assistance. Emergency Management may activate selected portions of the City's EOP to provide assistance as requested by the district.

LEVEL 3

Major incidents (earthquake, roof collapse, multiple victims, etc.) that require application of a broad range of community resources to meet response demands. The Gresham EOC will normally be activated to support the situation at the school. Districts coordinate directly with the School Liaison in the EOC to report situation status and request assistance.

Crisis situations will not always fit neatly into these levels—any incident has the potential to intensify rapidly to a higher level. Often, external pressures or demands will warrant outside assistance, even for minor incidents. School officials should always lean toward the conservative approach; it is far better to find that resources are not needed than to wish they had been requested after it is too late.

VII. COORDINATING EMERGENCY ASSISTANCE

A. Gresham Emergency Management is prepared to assist school administrators respond to crisis needs. Depending on the situation, assistance may vary from telephone liaison during winter storm operations to establishing a JIC to handle Incident information during a major incident. Examples of other potential services include:

   1. Providing an incident Message Center to handle incident-related calls;

   2. Establishing emergency radio and/or phone communications net;

   3. Assisting in establishing staging locations for responders, parents, and other support elements;

4. Assisting in a variety of media-related activities (press conferences, media pool operations, interview set-ups, etc.); and

5. Coordinating transportation assistance (evacuation, etc.)

B. A request for Emergency Management assistance may be initiated by the district or a school. (See Attachment 1 for contact information.)

C. Emergency Management will integrate school support activities into the flow of EOC operations whenever it is activated for major incidents.

VIII. ADMINISTRATION

A. Gresham Emergency Management will coordinate the review and revision of this Section with the Schools Emergency Planning Group.

B. The Group is also responsible for review and revision of the School Crisis Management Guide and corresponding checklists.

C. Districts will share their contingency plans and procedures with first responders and Gresham County Emergency Management.

ATTACHMENT FA19-A:
EMERGENCY MANAGEMENT CONTACT INFORMATION

Gresham Emergency Management
1333 NW Eastman Parkway
Gresham, OR 97030-3813
Phone: (503) 618-2432
Fax: (503) 618-2198

Staff	Office	Cellular
Emergency Management Coordinator		
Todd Felix	503-618-2432	503-572-8849
24-Hour Emergency Contact		
Gresham Police Records	503-618-2318	
Gresham Emergency Operations Center (EOC):		
Main Business Number	503-618-2825	
Schools Liaison	503-674-2813	
Fax: 503-661-3168 or 503-492-4926		

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FA 10 – Evacuation

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ATTACHMENT FA10-A: Evacuation Timeline Formula

ATTACHMENT FA10-B: Evacuation Order Form

ATTACHMENT FA10-C: Notification Protocols

ATTACHMENT FA10-D: Emergency Traffic Policy

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I. SITUATION

A. Evacuation is the removal of persons from the path of a threat prior to impact, whereas rescue is the removal of victims from an area already impacted by a hazard. Many potential incidents (flooding, hazardous materials, terrorist threat, etc.) could trigger an evacuation in Gresham.

B. During emergencies where there is advance warning, experience has shown that 50% of the residents in threatened areas will evacuate on their own, before being ordered to do so by public officials. In addition, historically 80-90% of the evacuees will find shelter with relatives or friends rather than seek refuge in public emergency shelters.

C. Evacuees may need shelter and other elements of support, depending on the hazard, duration, and weather conditions.

D. Gresham Police Department is the Lead Agency for evacuations

II. CONCEPT OF OPERATIONS

A. The Incident Commander has the authority to order an evacuation. Evacuations in Gresham are voluntary unless the emergency power authorizing mandatory evacuation in Gresham Emergency Code 7.45 is invoked in the Emergency Declaration.

B. When conditions permit, before ordering an evacuation, the Incident Commander should:

1. Identify the potential area at risk and population demographics. Include areas threatened if the incident escalates or conditions change.

2. Designate the evacuation points to where evacuees will be directed.

3. Evaluate and coordinate primary and back-up evacuation routes, assess capacities and vulnerability to the hazard. Make sure the route signage is also considered.

4. Determine critical timelines (when will the hazard impact the area… how long will it take to evacuate the people… etc.).

5. Assess the risks associated with evacuation against the risks of leaving the threatened population in place.

6. If applicable, determine shelter availability in the destination area(s).

7. Assess the needs of vulnerable populations that may need to be evacuated. These populations may include, but not be limited to:
   - Persons who are frail or housebound
   - Persons with disabling mental illness
   - Persons with physical disabilities, including sight or hearing limitations or mobility impairments
   - Persons who are medically fragile
   - Persons from culturally diverse populations

C. If the decision is made to evacuate, the public at risk must be alerted and warned. Such an alert or warning should include at a minimum:

1. Specific information about the risk, and the possible consequence if they choose not to evacuate.

2. Concise and specific instructions to the public (e.g. anticipate being gone for XXX hours or days; shut off all electrical appliances; take your pets; lock your home; etc.)

3. Clear directions and procedures for evacuation routes

4. Information regarding bus or other public transportation for those who may need it.

5. Ensure that emergency notifications include methods accessible to persons with disabilities including open captioning by door-to-door notifications, mobile loudspeakers, and other means.

6. Ensure that emergency notifications are released in other appropriate languages.

7. Determine the ability of people to enter the evacuated area and security to limit access.

III. ROLES AND RESPONSIBILITIES

A. THE INCIDENT COMMANDER has primary responsibility for:

1. Developing the evacuation plan and issuing the evacuation order

2. Coordinating evacuation routing, procedures, shelter and support requirements with other agencies and jurisdictions

3. Ensuring special safety requirements are met if evacuation is to be conducted under threat of hazardous materials contamination

4. Determining when the evacuation area will be re-opened

B. GRESHAM POLICE DEPARTMENT is responsible for directing and conducting the evacuation. They will:

1. Supervise and conduct mobile public address system and door-to-door alert and warning.

2. Document evacuation contacts and progress

3. Establish and maintain an outer perimeter

4. Provide traffic and crowd control

5. Provide for movement of inmates and prisoners

C. DES will:

1. Provide vehicles and personnel to assist with traffic movement and crowd control.

2. Coordinate with other agencies to keep routes open and free of debris, and to provide appropriate signage and barricades.

D. MULTNOMAH COUNTY HEALTH/HUMAN SERVICES will:

1. Be the lead agency in the identification of special needs population groups within the evacuation area and regularly update the Vulnerable Population Registry available to all citizens within Multnomah County.

2. Coordinate transport, transit, and destination requirements to meet special population needs.

3. During evacuation planning and execution, make every effort not to separate users from their wheelchairs, walkers and other durable medical equipment.

E. EOC STAFF will support evacuation requirements, including

1. Using procedures in Section II-A, to warn the public of the emergency situation, and to provide evacuation and shelter information

2. Using procedures in Section II-G of this plan to provide the media, public, and the American Red Cross, on the reason for the evacuation;

evacuation routes; available public transportation; location of reception or shelters.

3. Alerting the Red Cross for possible reception and shelter area support

4. Coordinating reception/shelter area liaison and security

5. Coordinating neighborhood congregation points with law enforcement for evacuees who need transportation to evacuation points.

6. Work with Multnomah County Health and Human Services to arrange and coordinate transportation for groups or individuals requiring assistance or special considerations to evacuate, such as the elderly, disabled, hospital patients, residents of nursing homes.

7. May request assistance from identified citizen volunteers (CERT, Neighborhood Watch, and Map Your Neighborhood Leaders) to enhance emergency response by assisting vulnerable resident within their neighborhoods.

F. The AMERICAN RED CROSS will:

1. Support the activation and operation of shelters during disasters. (See Sheltering Annex for details)

2. Provide a Red Cross Liaison to the EOC when activated

IV. EMERGENCY RESPONSE PERSONNEL

1. EOC STAFF: Sheltering and feeding of the EOC staff is the responsibility of the Logistics Section.

2. Gresham employees engaged in response activities will normally be released to their homes or stations to sleep. If not, the EOC Logistics Section will arrange shelter and feeding convenient to their assigned work area.

V. FAMILIES OF RESPONSE PERSONNEL

1. If long-term sheltering is necessary, the Logistics Section will try to shelter the families of response personnel at one location to help keep families informed and relieve stress on Emergency Responders.

VI. HUMAN SERVICES

1. The Multnomah County Departments of Health Services, Community and Family Services, and Aging Services provide emergency medical, health, and welfare services to all citizens.

2. The EOC staff coordinates with these Departments and Divisions during a major emergency in Gresham.

3. Telephone, radio, and television will be used to provide information on emergency human services.

4. The EOC Public Information Officer will coordinate all media releases concerning emergency health information and services with the appropriate medical and social service agencies.

ATTACHMENT FA10-A: Evacuation Timeline Formula

The following formula can be used to estimate the time needed to evacuate a threatened area:

TD + TA + TM + TT = TN

TD = Time from response to decision to evacuate.

TA = Time needed to alert and instruct the public, can range from 15-60 minutes, depending upon the time of day, etc.

TM = Time needed to mobilize the population once warned.

TT = Time required to leave the hazard area. Under ideal circumstances, 2500 vehicles
can pass a single point in one hour. Estimate four persons per vehicle.

TN = Total time required to evacuate.

For example, it takes incident personnel 15 minutes to make the decision that evacuation is the appropriate protective action. **TD=15.**

Once a decision has been made, it takes 25 minutes to alert and warn citizens in the immediate risk area. (TD=15) + **(TA=25)** = 40.

Once notified, it takes 30 minutes for the residents to leave their homes and enter the evacuation route system, using one major route north out of the area, and one major route south. (TD=15) + (TN=25) + **(TM=30)** =1 hour and 10 minutes.

Once on the road, it takes each vehicle 15 minutes to clear the hazard area. (TD=15) + (TN=25) + (TM=30) + **(TT=15)** = 1 hour and 25 minutes total evacuation time.

ATTACHMENT FA10-B: Evacuation Order Form

An emergency condition exists in Gresham, and the IC has decided to evacuate specific areas to ensure the safety of the public.

Therefore:

1. Citizens within the following hazard area are requested to immediately evacuate:

   _____
   _____

2. Citizens needing special assistance should call _____. This number has been established to respond to evacuation assistance requests only.

3. Law Enforcement agencies will restrict all entry into the hazard area. No one will be allowed to re-enter the area until it has been declared safe by the Incident Commander.

4. Information and instructions from the Gresham EOC will be transmitted by radio from KBBT am and fm (970 and 101.1) and the Gresham Alert Station am 1610.

5. Citizens will be advised of the reopening of this area as soon as public safety is assured.

_____ (Date & Time)

Gresham Incident Commander

IF RECEPTION CENTERS AND/OR SHELTERS HAVE BEEN OPENED, INCLUDE THE FOLLOWING INFORMATION:

Reception Centers are located at:

_____

Shelters are located at:

_____

ATTACHMENT FA10-C: Notification Protocols

I. GENERAL POLICY

No law enforcement officer or other public safety official has the legal right to impose a mandatory evacuation order on citizens in their own homes unless specified in the Emergency Declaration and the evacuation order.

Officers will not delay timely notification of other citizens in the evacuation area to compel citizens to comply.

These protocols cover door-to-door, siren alert, and mobile public address processes.

These methods may be conducted in combination with Emergency Alert System (EAS) messages.

II. DOOR-TO-DOOR

Door-to-door contact is an effective, but time consuming method of alerting and warning an evacuation area. Officers can share detailed information with citizens, and positively confirm that the individual received the warning, understood the instructions, and knew the consequences of his or her actions.

A. Receive Assignment from Officer Supervising the Evacuation. This should include a prepared statement with the following information:

   Type of incident, expected duration, and available time to evacuate
   Recommended actions to be taken by the public
   Possible consequences of not evacuating
   Evacuation route and procedures
   Reception/shelter location
   Neighborhood congregation point for those needing transportation

B. Conduct Door-to-Door Alert and Notification.

   Knock/ring bell; allow at least one minute for response, more at night.
   If no answer, document time and address, and move to next facility.
   If answered, read prepared statement, and:

   Determine how many persons are in the building

   Determine whether they intend to leave, have a place to go, and transportation. If yes to all, document time and address. Using plastic flagging, mark the building in a conspicuous place to indicate that contact has been made. Go to next facility.

If they do not intend to leave, ask if they understand the possible dangers if they stay, document the time, address, and number of people remaining. Using plastic flagging, mark the building in a conspicuous place to indicate that contact has been made. Move to next facility.

If they intend to leave, but do not have transportation, document the number of people needing assistance, the time and address, and special transportation requirements (ambulance, handicapped van, etc.). Report this information immediately to the EOC.

Advise citizens able to walk to proceed to the designated congregation point--do not stop your activities to remove them from the area.

If they intend to leave, but do not have a place to go, refer them to the shelter or reception point. Document time and action taken. Using plastic flagging, mark the building in a conspicuous place to indicate that contact has been made. Move to the next facility.

C. Reporting
Report results to your supervisor periodically after clearing a portion of your assigned area (this may be block by block in a residential area, by store in a shopping center, by floor in an office building or hospital, or by apartment building in a major apartment complex). Your supervisor should keep Operations and Planning updated.

BECAUSE OF THE EXTRA TIME NEEDED TO ARRANGE TRANSPORTATION, EVACUATION ASSISTANCE INFORMATION SHOULD BE TRANSMITTED AS SOON AS AVAILABLE.

III. MOBILE PUBLIC ADDRESS

Mobile public address is more time efficient than door-to-door contact, but only a limited amount of information can be exchanged. It is most effective used in combination with the Emergency Alert System and door-to-door contact. It can effectively be used to alert and warn the public prior to the request to evacuate, or to advise of protective actions short of evacuation.

A. Receive Assignment from Officer Supervising the Evacuation. This should include copies of a prepared statement with the following information:

Type of incident, expected duration, and available time to evacuate
Recommended actions to be taken by the public
Possible consequences of not evacuating
Evacuation route and procedures
Reception/shelter location

Neighborhood congregation point for those needing transportation
TV or radio station with more information.

B. Conduct PA Alert

Repeat message at each intersection and at least once mid-block

If asked for more information, provide a copy of the prepared statement and continue your route as quickly as possible.

C. Reporting

- Report progress to your supervisor periodically as you proceed on your assignment. Note time and report when complete. Your supervisor should keep Operations and Planning updated.

ATTACHMENT FA10-D: Emergency Traffic Policy

In the event of an emergency in Gresham:

1. All available City employees not directly involved in the management of the incident may be assigned to traffic control activities.

2. The Incident Commander has the authority to close roads, and to restrict access to and from all areas in Gresham.

3. Law enforcement agencies have the authority to remove stalled and parked vehicles that impede the flow of traffic.

4. Traffic flow direction may be altered, reversed, etc., at the direction of the Incident Commander.

5. The Logistics Section will coordinate changes in traffic flow with local, county, and state agencies.

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FA 11 – Business and Industry

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VI. INCIDENT COMMAND SYSTEM (ICS)

ATTACHMENT FA11-A: ICS Organization Chart

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I. SITUATION

Business & Industry (B & I) helps determine the quality and stability of Gresham's economy. Unfortunately, it is also as vulnerable to disaster hazards as are citizens, schools, and government agencies. Gresham contains a wide variety of B & I, with varying degrees of emergency planning knowledge and skills. Just as the public sector shares disaster vulnerability with B & I, so the two sectors can share information, training, and assistance in preparing for emergencies as well.

The City of Gresham desires to integrate business preparedness, continuity, and recovery into its Emergency Management Program, and to develop a partnership with businesses and industry in Gresham. The City seeks to increase business's awareness of emergency management issues potentially affecting B & I, such as Emergency Transportation Routes, emergency authority to establish curfews, and access to Federal disaster assistance.

This annex describes the role of, and relationship between, emergency management and B & I in Gresham. It establishes policies and procedures for working together to protect our economy and prepare our community for disaster.

II. CONCEPT OF OPERATIONS

Everyone who lives or works in Gresham has a vested interest and shared responsibility for disaster preparedness. The challenge is to mold that responsibility into a shared commitment to work together to identify hazards, develop contingency plans, and provide disaster preparedness training to employees and their families. The goal is to develop community-based partnerships and implement actions before disaster strikes to make the City of Gresham more resistant to disaster.

A. During a major regional emergency response, emergency services (police, fire, medical, etc.) will be limited. At a minimum, businesses need to plan on being self-sufficient during the first 72 hours of a major disaster. The City of Gresham also encourages the local business community to develop and maintain Business Continuity plans.

B. Gresham uses the Incident Command System (ICS) to manage all emergency response and recovery activities. Businesses need to understand this system to effectively interface with responders and are encouraged to use it as a model for their own emergency operations.

C. Incident Priorities. The following priorities have been established to guide the Gresham IC in allocating available resources:

1. Protection of life
   Responders
   At-risk populations
   Public at large

2. Incident stabilization
   Protection of mobile response resources
   Isolation of the impacted area
   Containment (if possible) of the incident

3. Property conservation
   Protect public facilities essential to life safety/emergency response
   Protect the environment whenever public safety is threatened
   Protect private property

D. **Levels of Emergency.** To assist response agencies in recognizing the degree of intensity and potential impact of a particular situation, three levels of emergencies have been established:

LEVEL 1 situations are often referred to as "routine" crisis management or emergency situations that can normally be handled using resources available at the incident location. It may not be necessary to implement an emergency plan for this level. Outside assistance is usually not required.

LEVEL 2 situations are characterized by a need for response assistance from outside agencies (specialized equipment or personnel; insufficient or inadequate on-site resources; etc.). The request often takes the form of a 9-1-1 call for police, fire, or medical assistance. Examples include hazardous material spills and traffic accidents with multiple injuries. The IC may activate selected portions of the Gresham Emergency Operations Plan (EOP).

LEVEL 3 situations are major incidents that require application of a broad range of community resources to save lives and protect property. Examples include airliner crash in populated areas, major earthquakes, etc. Emergency plans should be implemented for this level, and the Gresham Emergency Operations Center EOC will be activated to coordinate response and recovery activities.

Emergency situations will not always fit neatly into these levels—any incident has the potential to intensify and expand. Special circumstances or external pressures sometimes warrant outside assistance, even for minor incidents.

III. ROLES AND RESPONSIBILITIES

The roles and responsibilities listed below are intended as a draft until our the partnership between Gresham Emergency Management and B & I has had an opportunity to evolve more fully. As we transition from concept to practice, they can be refined to more accurately reflect specific actions and commitments.

A. EMERGENCY MANAGEMENT will:

1. Establish procedures to identify and coordinate emergency management issues that potentially impact Gresham B & I;

2. Assist B & I in analyzing disaster hazards and their potential impacts to business operations;

3. Help identify actions that will mitigate the adverse impact of disasters;

4. Integrate B & I issues into the Gresham Emergency Management Program;

5. Establish a B & I Liaison function in the Gresham EOC; and

6. Help businesses develop and implement disaster preparedness training programs for employees and their families.

B. BUSINESS & INDUSTRY will:

1. Participate in Gresham Emergency Management Program mitigation, planning, response; and recovery activities;

2. Identify disaster-related concerns and issues;

3. Analyze potential hazards and identify actions to mitigate business impact; and

4. Develop an emergency plan to include business continuity and recovery.

IV. BUSINESS & INDUSTRY TEAMS

There are several ways that the City and its B & I partners jointly promote emergency management in the Gresham community.

A. The Gresham area Community Awareness and Emergency Response Group enjoys a strong working partnership with Emergency Management. B & I representatives meet quarterly to discuss safety, emergency planning, ICS, and other training opportunities and share lessons learned during actual incidents.

B. Each Gresham business active in emergency management is asked to designate a single point of contact to facilitate better communication and information flow regarding disaster planning, response activities, and training opportunities.

V. EMERGENCY PLANS

Under Occupational Safety and Health Administration and some local ordinances, many businesses and industries need to have an emergency plan. The level of sophistication depends on the type of business, number of employees, products involved, etc. Some plans may be simple one-page documents, while others may need to be very complex. All Gresham businesses should have emergency plans.

A. An emergency plan should provide a "recipe" of things to do for the business employees and managers during an incident, including some type of "decision tree" or other process to manage the situation. The list should include:

   1. Whom to contact for information or response in an emergency;

   2. Roles and responsibilities during an emergency;

   3. What resources are needed and how to obtain them; and

   4. How to interface with emergency responders from outside agencies; etc.

B. The emergency plan should contain hazard-specific preparedness information and response actions, including, but not limited to:

Fire	Hazardous Materials	Terrorist Incident
Flood	Major Accident	Earthquake
Winter Storm		

C. The plan should also address information about functions common to all emergencies and detailed procedures for special activities:

Incident Command System	Alert and Warning
Communications	Security
Medical Procedures	Business Continuation

VI. THE INCIDENT COMMAND SYSTEM

ICS provides a common-sense method for managing personnel, equipment, communications, and facilities during emergencies. ICS is used successfully by organizations and agencies throughout the country and can be tailored to fit any type or scope of incident. ICS features a standard organizational structure with consistent roles and responsibilities (see Attachment 1). This facilitates effective communication and coordination between individuals and organizations involved in an incident.

INCIDENT COMMANDER

The IC is responsible for overall management of the incident and establishes objectives and strategy. The IC also retains responsibility for all functions in the ICS structure unless these have been delegated to someone else. He or she may appoint individuals to function as PIO, Safety Officer, or Liaison Officer, working directly for the IC. The IC may selectively delegate specific responsibilities in four major functional areas:

A. **Operations.** Responsible for all tactical activities directed toward stabilizing the situation, eliminating or containing the hazard, and restoring normal operations.

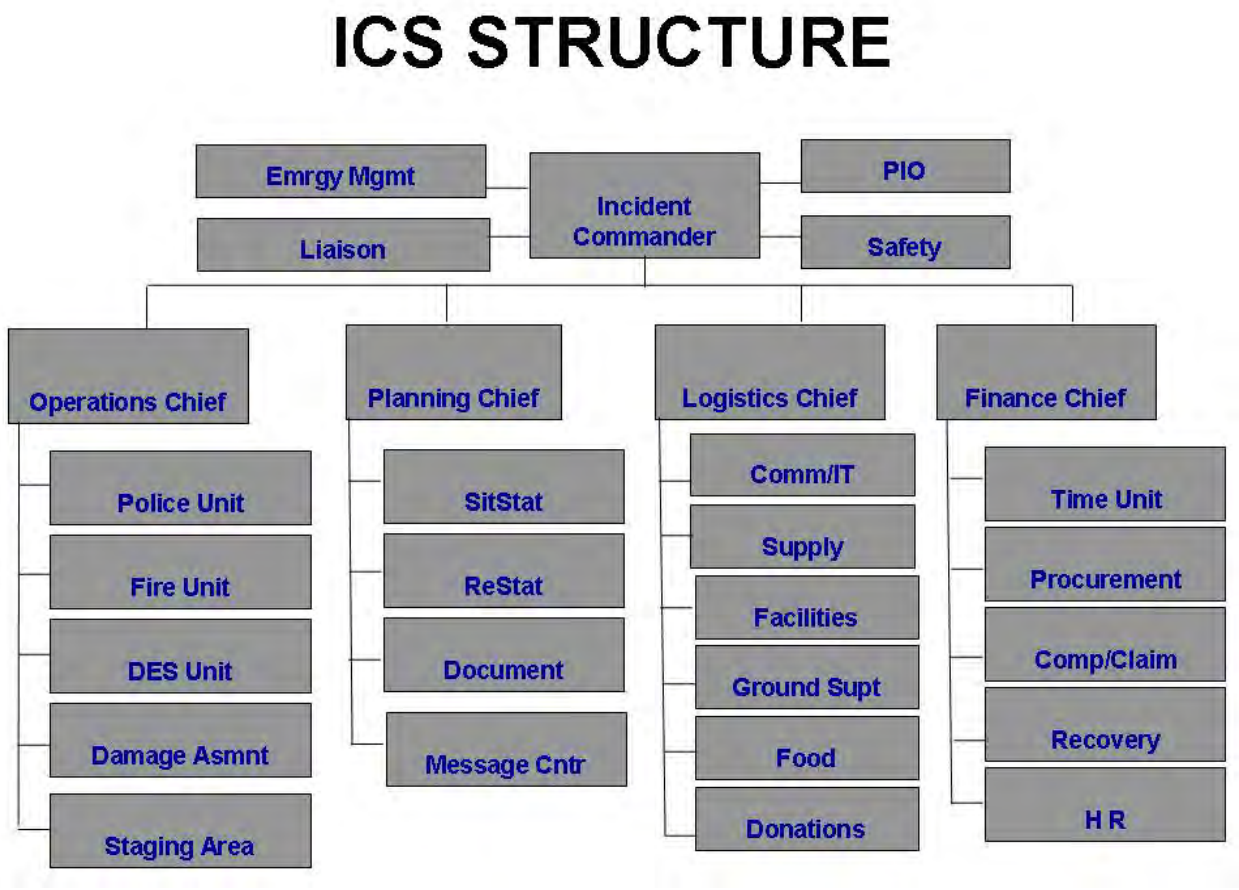
B. **Planning.** Responsible for collection, evaluation, and internal dissemination of information about the incident; manages all incident planning activities.

C. **Logistics.** Responsible for incident communications and obtaining the resources and support needed to handle the incident.

D. **Finance.** Responsible for financial and risk management issues, tracking personnel and equipment costs; arranging contract services; and compensation and claims.

Most incidents do not require use of the entire ICS structure outlined above, and the system is very flexible, allowing it to fit different situations. Both businesses and schools have found that ICS works very effectively to manage emergencies in their organizations. Response agencies in Gresham use ICS for most emergencies, and its use is required on all hazardous materials incidents.

ATTACHMENT FA13-A: ICS Organization Chart



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FA 12 – Disaster Assistance

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ATTACHMENT FA12-A: Typical Disaster Recovery Center Services

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I. SITUATION

Requests for disaster assistance may occur during the response phase, but the majority will be generated during the recovery operation. Unless or until State or Federal agencies become involved in a Gresham disaster, the Emergency Operations Center (EOC) will be the focal point for disaster assistance. EOC staff will coordinate requests for assistance with appropriate County agencies and volunteer organizations based on guidelines provided by the Incident Commander (IC). Requests will be forwarded to agencies best equipped to fill the need.

During a major disaster, there is a wide variety of Federal, State, and nonprofit agency programs available to assist disaster victims.

A. ASSISTANCE TO INDIVIDUALS

Assistance to individuals may include funds for temporary housing, individual and family grants to meet disaster-related expenses, and loans to individuals for repair or replacement of real and personal property. Funds may flow directly from the Federal government to the individual or through the State, County, or a nonprofit organization to the individual.

B. ASSISTANCE TO BUSINESSES

Assistance to businesses, including farms and sole proprietorships, is generally made available when the ability to continue business operations is terminated or impaired by a disaster. Such assistance may include loans or grants to replace livestock, restore damaged structures, or replace inventories.

C. ASSISTANCE TO PUBLIC AGENCIES

Assistance to State, County, and local agencies include measures such as repair or replacement of non-federally supported roads and water control facilities, and clearance of debris necessary to protect the public interest. It includes repair or replacement of Federal buildings, State-supported schools, etc. It includes loans to communities that have incurred substantial losses of tax and other revenue, government-owned equipment, supplies, facilities, personnel, and other resources. Recipients of public assistance may include states, counties, municipalities, unincorporated towns, water control districts, universities, or other nonprofit organizations.

II. CONCEPT OF OPERATIONS

A. DISASTER-SPECIFIC PROGRAMS

A Presidential Declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act triggers these programs.

A ***major disaster*** is any natural catastrophe or, regardless of cause, any fire, flood, or explosion that causes damage of sufficient severity and magnitude to warrant assistance supplementing State, local, and disaster relief organization efforts to alleviate damage, loss, hardship, or suffering.

An ***emergency*** is any occasion or instance for which Federal assistance is needed to supplement State and local efforts to save lives and protect property and public health and safety or to lessen or avert the threat of a catastrophe.

Disaster Recovery Center. Once a Declaration has been issued, the Federal Emergency Management Agency (FEMA) establishes a Disaster Recovery Center (DRC) in the area as a "one-stop" location where victims can apply for assistance. Representatives of Federal agencies, State and local governments, private relief agencies, and other organizations that can provide assistance or counseling are available to register and advise disaster victims.

B. DISASTER-APPLICABLE PROGRAMS

These are programs where funds from regular, ongoing agency programs are made available to support disaster recovery. Access to these programs depends upon a number of factors, including the availability of funds and the willingness of the agency to divert funds for disaster purposes. Duplication of benefits must be avoided if disaster-specific programs authorized for the same purpose exist.

C. AVOIDING DUPLICATION OF BENEFITS

Federal law prohibits agencies from providing financial assistance to any disaster victim (individual, business, or other entity) who receives financial assistance *for the same purpose* under any other Federal program or from insurance. A disaster victim must rely first on private insurance, then Federal loans, then, finally, Federal grants. For example, a disaster victim without insurance, or without adequate insurance, must first try to obtain a loan to meet disaster-related needs. If the victim cannot qualify for a loan, or if a loan will not address all essential needs, then a grant may be provided.

III. ROLES AND RESPONSIBILITIES

In addition to the Federal role in disasters described above, there are local and regional responsibilities to assist victims in receiving disaster assistance.

A. COUNTY AND LOCAL ASSISTANCE

During minor events, disaster assistance programs will be coordinated through the EOC and administered by County and regional nonprofit organizations.

B. CITIZEN CORPS COUNCIL

Volunteer agencies that actively assist individuals during disasters (Red Cross, Salvation Army, religious organizations, etc.) have developed a program to coordinate victim assistance efforts. The Citizen Corps Council has primary responsibility for Donation Management in East Multnomah County and will play a significant role in assisting the Gresham community in recovering from a disaster. The Citizen Corps Council members will coordinate their activities with EOC staff.

C. UNMET NEEDS COMMITTEE

Non-government organizations (Red Cross, Habitat for Humanity, Salvation Army, etc.) will often join together to form a committee to coordinate their activities, avoid redundancy, and identify victims' unmet needs. In the wake of disaster, relief assistance is often needed outside of prescribed eligibility for government relief programs. In such cases, the Unmet Needs Committee works together to locate the resources needed to respond effectively to those needs.

IV. REFERENCES

The following publications are available in the Gresham Emergency Management Office:

A. FEMA Publication 229(4), September 2005, *Disaster Assistance: A Guide to Recovery Programs* provides a detailed listing of disaster relief assistance programs.

B. FEMA Publication 545, July 2008, Help After a Disaster, *A Guide to Individuals and Households Program*.

ATTACHMENT FA14-A: Typical Disaster Recovery Center Services

A. Temporary housing for disaster victims whose homes are uninhabitable as a result of a disaster.

B. Essential repairs to owner-occupied residences in lieu of temporary housing so that families can return to their damaged homes.

C. Disaster unemployment and job placement assistance for those unemployed as a result of a major disaster.

D. Disaster loans to individuals, businesses, and farmers for refinancing, repair, rehabilitation, or replacement of damaged real and personal property not fully covered by insurance.

E. Agricultural assistance payments, technical assistance, and Federal grants for the purchase or transportation of livestock.

F. Information about the availability of food stamps and eligibility requirements.

G. Individual and family grants to meet disaster-related expenses and other needs of those adversely affected by major disasters when they are unable to meet such needs through other means.

H. Legal counseling to low-income families and individuals.

I. Tax counseling concerning various disaster-related tax benefits.

J. Consumer counseling and assistance in obtaining insurance benefits.

K. Crisis counseling and referrals to mental health agencies to relieve disaster-caused mental health problems.

L. Social Security assistance for recipients or survivors, such as death or disability benefits or monthly payments.

M. Veterans' assistance, such as death benefits, pensions, insurance settlements, and adjustments to home mortgages held by the Veterans Administration (VA) if a VA-insured home has been damaged.

N. Other specific programs and services as appropriate to the disaster.

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FA 13 – Debris Management

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ATTACHMENT FA13-B: Recycling and Solid Waste Management Facilities

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ATTACHMENT FA13-D: Potential Temporary Debris Storage Sites

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I. SITUATION

Many disaster scenarios, including windstorms, ice storms, floods, and earthquakes, could generate sufficient amounts of debris to affect emergency response, public health and safety, transportation, and the operation of government, businesses, and industries in Gresham. For this reason, it is critical that prior to a disaster, the City has established plans and mechanisms that will enable the expedited removal of debris from public rights-of-way and facilities, as well as the dissemination of information to assist citizens and businesses in proper debris removal. In addition, the City is committed to managing the debris in a manner consistent with the solid waste management hierarchy that favors reuse, recycling, and energy recovery over landfilling.

The management of disaster-related debris will necessarily build upon the City's existing system for collecting solid waste. A critical feature of this system is that the City itself does not own or operate any equipment designated for solid waste collection. Instead, it relies on two classes of private companies to provide actual collection services:

- Licensed haulers that are the primary collectors of garbage, recyclables, and yard debris for residential and commercial/industrial properties, each in its own designated geographic zone; and

- Non-licensed haulers that are permitted by the City to collect loads of source-separated recyclables; mixed, non-putrescible recyclables and solid waste; and construction and demolition debris.

The City also does not own or operate any disposal or recycling facilities. Metro owns regional solid waste transfer stations in Oregon City and Northwest Portland and contracts for the hauling of garbage from those facilities to a privately owned landfill in Arlington, Oregon. Additional private transfer stations, mixed waste recycling facilities, and yard debris processors are located in the region as well.

II. CONCEPT OF OPERATIONS

A. Debris Management Phases

1. Assess Debris.
   Use local damage assessment information to determine the volume, location, and types of debris on both public and private property. Utilize damage assessments from other jurisdictions to determine the regional impact, as that may affect resources available to the City.

2. Establish debris removal priorities.
   Develop prioritized list of sites for debris removal, emphasizing debris removal associated with life safety operations, restoration of critical services, and opening transportation corridors.

3. Assign debris-clearing equipment and crews to priority sites.

4. Arrange for hauling from priority sites.
   Contact licensed haulers to provide hauling services from debris-clearing operations at priority sites (see hauler zone map in Attachment 1).

5. Determine whether debris may be hauled directly to processing facilities.
   Contact Metro and processing facilities to determine whether they are functioning and have the immediate capacity for putrescible waste, mixed dry waste, yard debris, and hazardous waste (see Attachment 2).

6. Inform residents and businesses of debris management options.
   Release information regarding facilities that accept debris for recycling or disposal, as well as the status of regular collection of garbage, yard debris, and recyclables (see sample information sheet/press release in Attachment 3).

7. Prepare pre-identified temporary storage sites to accept debris.
   If processing facilities cannot accept all debris immediately, prepare temporary storage sites (see Attachment 4) to accept material.

8. Track tonnage removed and costs for debris hauling, processing, and disposal.

III. ROLES and RESPONSIBILITIES

A. Private Citizens and Businesses
   Private citizens and businesses are responsible for removing disaster-related debris from their properties. The City of Gresham may provide some assistance when the debris poses a risk to lives or public health.

B. Private Hauling Companies
   City-licensed and/or registered hauling companies would provide hauling services from priority debris sites.

C. Emergency Operations Center-Planning Section

   1. Pre-identify temporary sites for storage of debris.

   2. Pre-identify Department of Environmental Services (DES) debris clearing equipment and private contractors with such equipment.

3. Pre-identify priority facilities, transportation routes, and other sites for clearing of debris.

D. Emergency Operations Center-Operations Section

1. Utilize damage assessment reports to assign clearing equipment and crews to priority facilities, transportation routes, and other sites.

2. Identify, prepare, and open pre-identified sites for temporary storage of debris.

E. Department of Environmental Services Recycling and Solid Waste Program Manager

1. Assist Emergency Coordination Center (ECC) Operations Section in making arrangements with licensed and non-licensed solid waste haulers.

2. Communicate with Metro to determine the status of public and private processing facilities and, as necessary, coordinate other debris management information and activities.

3. Track tonnage of debris hauled, processed, recycled, and disposed of. Track costs of debris hauling and processing/disposal and report this information to ECC Finance Section Chief.

IV. DEBRIS MANAGEMENT OPERATIONS

A. Debris Management 1 – Assess debris.

1. The Operations Section Chief will use local damage assessment information to determine the volume, location, and types of debris on both public and private property.

2. The Operations Section Chief will use regional damage assessment information from Multnomah County, Metro, and other jurisdictions, as that may affect resources and transportation routes available to the City for hauling and processing local debris.

3. The Operations Section Chief will notify other government entities—e.g., Multnomah County and the Oregon Department of Transportation (ODOT)—of debris sites on or affecting the transportation routes for which they are responsible in Gresham.

B. Debris Management 2 – Establish debris removal priorities.

1. Based on debris assessment information, the Operations Section Chief will establish a prioritized list of sites for debris removal.

2. Guidelines for determining debris removal priorities include: (a) life safety operations; (b) access to critical facilities; and (c) restoration of priority transportation routes.

C. Debris Management 3 – Assign debris-clearing equipment and crews to priority sites.

1. The Operations Section Chief will assign pre-identified debris-clearing equipment and crews to sites according to the ranking of priorities.

D. Debris Management 4 – Arrange for hauling from priority sites

1. The recycling and solid waste program manager will contact the designated licensed haulers to provide hauling services for priority debris sites (see hauler zone map in Attachment 1).

E. Debris Management 5 – Determine whether debris may be hauled directly to processing facilities.

1. The Recycling and Solid Waste Manager will contact Metro and private processors to determine which facilities are functioning and have the immediate capacity for putrescible waste, mixed dry waste, yard debris, and hazardous waste (see Attachment 2).

2. The Recycling and Solid Waste Manager will inform the Operations Section Chief and the licensed haulers of the availability of local processing facilities.

3. If local processing facilities are not immediately able to accept debris loads, the Operations Section Chief will determine which pre-identified sites will be used for the temporary storage of debris. The Recycling and Solid Waste Manager will convey this information to haulers.

F. Debris Management 6 – Inform residents and businesses of debris management options.

1. The public information officer (PIO) will release information about private facilities that accept debris for recycling or disposal, a well as the status of regular collection of garbage, yard debris, and recyclables (see sample information sheet/press release in Attachment 3).

G. Debris Management 7 – Prepare pre-identified temporary storage sites to accept debris.

1. The Operations Section Chief will assign Operations staff to open and prepare temporary storage sites to accept debris (see list in Attachment 4).

2. Preparation may involve unlocking sites, setting up traffic control equipment, and ensuring that sites are secure.

H. Debris Management 8 – Track tonnage removed and costs for debris hauling, processing, and disposal.

1. The Recycling and Solid Waste Program Manager will compile tonnage data for hauled debris and the associated hauling, processing, and disposal costs.

2. The Recycling and Solid Waste Program Manager will report all tonnage and cost data to the Finance Section Chief.

Attachment FA13-A: Licensed Hauler Zone Map

Attachment FA13-B: Recycling & Solid Waste Management Facilities

Garbage Disposal Facilities

	Distance from City Hall
Metro South Station (503) 234-3000 2001 Washington St., Oregon City	12.0 miles
Metro Central Station (503) 234-3000 6161 NW 61st Ave., Portland	15.6 miles

Wood and Yard Debris Recyclers

	Distance from City Hall
Dan Obrist Recycling (503) 492-8820 4540 SE 174th, Portland	2.6 miles
CL Dannar Nursery (503) 667-9848 8102 SE 242nd, Gresham	3.3 miles
All Wood Recyclers (503) 667-5497 23001 NE Marine Drive, Fairview	3.5 miles
East County Recycling Center (503) 253-0867 12409 NE San Rafael, Portland	5.3 miles
Pacific Land Clearing and Recycling (503) 774-6939 6400 SE 101st Ave., Portland	6.4 miles
Pacific Western (503) 658-5151 16051 SE Hwy. 224, Carver	7.3 miles
Emmert International (503) 655-7191 11811 SE Hwy. 212, No. 34, Clackamas	8.5 miles
Clackamas Compost Products (503) 557-1028 11620 SE Capps Rd., Clackamas	9.0 miles
McFarlane's Bark Inc. (503) 659-4240	9.0 miles

13345 SE Johnson Rd., Milwaukie	
Wood Waste Management (503) 493-3370 7315 NE 47th Ave., Portland	9.9 miles

Rubble Recyclers

	Distance from City Hall
Dan Obrist Recycling (503) 492-8820 4540 SE 174th, Portland	2.6 miles
CL Dannar Nursery (503) 667-9848 8102 SE 242nd, Gresham	3.3 miles
East County Recycling Center (503) 253-0867 12409 NE San Rafael, Portland	5.3 miles
Portland Sand and Gravel (503) 252-3497 10717 SE Division, Portland	5.7 miles
The Wall (503) 735-9255 5235 NE 112th, Portland	6.6 miles
Emmert International (503) 655-7191 11811 SE Hwy. 212, No. 34, Clackamas	8.5 miles
Porter Yett (503) 282-3251 5949 NE Cully Blvd., Portland	8.6 miles
Portland Road and Driveway (503) 650-5006 10500 SE Jennifer St., Clackamas	9.2 miles

Drywall Recyclers	*Distance from City Hall*
Dan Obrist Recycling (503) 492-8820 4540 SE 174th, Portland	2.6 miles
Knez Building Materials (503) 655-1991 12301 SE Hwy. 212, Clackamas	8.4 miles
Wastech (503) 285-5261 701 N. Hunt St. (off Columbia Blvd.), Portland	12.7 miles

Attachment FA13-C: Sample Press Release

News Release

Date: XXXX X, 200X For Immediate Release

Contact:
Department of Environmental Services
Tam Driscoll, Community Relations Manager, (503) 618-2623
Matt Korot, Recycling and Solid Waste Program Manager, (503) 618-2624

RECYCLING AND DISPOSAL OPTIONS FOR EARTHQUAKE DEBRIS

Yesterday's earthquake created considerable amounts of debris on area roads and at Gresham residences and businesses. The City is utilizing its equipment and staff around-the-clock to clear debris from primary transportation corridors and in other locations where the immediate removal of debris is necessary to facilitate emergency operations and restore critical services.

Given the limited public resources available, local residents and businesses will be responsible for cleaning up and removing debris from their own private property. Garbage and recycling haulers are operating and will provide collection on regularly scheduled collection days, except in areas where street access is blocked by debris. Residents and businesses are asked to put out only normal recyclables and trash for this collection. Depending on equipment availability, residents and businesses may be able to make special arrangements with their haulers for collection of earthquake debris.

There are a number of locations that may be available to which residents and businesses can self-haul debris such as concrete, asphalt, drywall, wood, yard debris, and other materials. A partial listing of these facilities is provided below. Additional options are available by calling Metro's Recycling Information Center at 503-234-3000 (expect long waits) or on the Web at www.metro-region.org/article.cfm?ArticleID=727.

Partial List of Facilities Accepting Debris

The City of Gresham recommends that you call each facility for hours and guidelines before delivering materials.

Wood
Dan Obrist Recycling, 4540 SE 174th Avenue, (503) 492-8820
CL Dannar Nursery, 8102 SE 242nd Avenue, (503) 667-9848
All Wood Recyclers, 23001 NE Marine Drive, (503) 667-5497

Drywall
Dan Obrist Recycling, 4540 SE 174th Avenue, (503) 492-8820
Knez Building Materials, 12301 SE Highway 212, Clackamas, (503) 655-1991

Rubble
Dan Obrist Recycling, 4540 SE 174th Avenue, (503) 492-8820
CL Dannar Nursery, 8102 SE 242nd Avenue, (503) 667-9848
East County Recycling, 12409 NE San Rafael, (503) 253-0867
Portland Sand & Gravel, 10717 SE Division, Portland, (503) 252-3497

Yard Debris
Dan Obrist Recycling, 4540 SE 174th Avenue, (503) 492-8820
CL Dannar Nursery, 8102 SE 242nd Avenue, (503) 667-9848
All Wood Recyclers, 23001 NE Marine Drive, (503) 667-5497
East County Recycling, 12409 NE San Rafael, (503) 253-0867

ATTACHMENT FA13-D: Potential Temporary Debris Storage Sites

North Gresham

South Gresham

East Gresham

West Gresham

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FA 14 – Donations Management

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I. SITUATION

A major disaster in East Multnomah County is likely to trigger the need to receive, process, and deliver donated goods and services to victims. Because private volunteer organizations are experienced in managing donations, Gresham will depend on them to help implement a donations management plan specific to the incident.

The Oregon Office of Emergency Management (OEM) and the Oregon Volunteer Organizations Active in Disaster (ORVOAD) have developed a plan called the Oregon Donations Management System. A decision to activate this system will depend on the nature and severity of the event or the logistics support necessary to handle donated goods. When activated, OEM and ORVOAD will jointly manage the system in close coordination with City, County, and Federal representatives. (A copy of the state Donations Management Plan is available at the EOC and in the Gresham Emergency Management Office.)

Whenever the situation warrants, the Logistics Section Chief will coordinate with participating Citizen Corps Council agencies to establish a Gresham Donation Coordination Team (DCT). The DCT will develop incident-specific procedures to manage donated goods and services, financial assistance, and volunteer resources. If the State donation management plan is activated, the local DCT will coordinate its activities with State and Federal participants.

II. CONCEPT OF OPERATION

Donations may be solicited or unsolicited, ranging from perishable food items to time and services offered by walk-in volunteers. Public response to real or perceived needs of victims can create significant logistical problems in receipt, storage, accountability, and distribution of donated goods. It is critical that the Incident Commander (IC) issue timely and specific donation information to the public as soon as practical following EOC activation.

Donation information should include: 1) what type (if any) of donations are sought; 2) a time and location where donations will be processed; and 3) a telephone number where more information is available. Once the IC has approved the incident-specific donation management plan, the PIO provides specific details to the media and the public.

All donor offers should be referred to the East Multnomah County Volunteer Organizations Active in Disaster (VOAD) for screening and processing in order to appropriately match resources with needs.

III. ROLES AND RESPONSIBILITIES

A. THE INCIDENT COMMANDER WILL:

1. Provide donation policy guidance to the Logistics Chief

2. Approve donation public information releases

B. THE LOGISTICS SECTION CHIEF WILL:

1. Develop incident-specific donation procedures in coordination with participating Citizen Corps Council agencies

2. Activate the Gresham DCT as needed

3. Establish a donation "hotline" as needed

4. Establish a volunteer "hotline" as needed

5. Coordinate donation public information releases

C. THE PUBLIC INFORMATION OFFICER WILL:

1. Coordinate donation information releases with the Logistics Section Chief and IC

2. Distribute donation information and hotline numbers to the media and to the public

D. THE GRESHAM DONATION COORDINATION TEAM WILL:

1. Develop procedures for soliciting, screening, receiving, transporting, storing, and distributing donated goods;

2. Establish policies and procedures to be used to process offers of financial assistance;

3. Coordinate volunteer resources;

4. Manage and operate local storage and distribution centers; and

5. Conduct an assessment as soon as possible to identify all East Multnomah County needs for goods, volunteers, and services.

IV. DONATION GUIDELINES

A. The following guidelines will assist the Logistics Chief and the IC in establishing event-specific donation management policies and procedures.

1. Donors will be discouraged from sending unsolicited donations directly to the disaster site.

2. Donors will be encouraged to contact the Donation Coordinator for need and acceptance of material before transporting it.

3. Donors who want to offer unsolicited or unwanted goods will be advised that although the goods cannot be accepted at this time, their availability will be entered into a database, and this information will be made available to Federal and State governments and volunteer agencies, should a need arise for such goods.

4. Goods not requested but that can be used will be made available to all participating volunteer organizations and other nonprofit organizations.

5. When possible, unneeded goods such as clothing shall be recycled or redistributed to others in need.

B. Before donations can be accepted, the Logistics Chief will ensure that an accountability system has been established to track donations from receipt to distribution.

C. Warehousing should be located outside of the immediate disaster area but within short commuting distance. The locations should also provide easy access to major transportation systems.

D. Some individuals use disaster events as a dumping ground for unwanted or unusable goods. The Donation Coordinator may have to discreetly, but firmly, refuse items that are unsanitary, worthless, or detrimental to the relief effort.

E. To ensure a smooth transition during major disasters, Gresham's donation management policies and procedures will be compatible with those contained in the OEM/ORVOAD State plan.

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FA 15 – Pet Sheltering

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ATTACHMENT FA15-A: Basic Pet Shelter Protocol

ATTACHMENT FA15-B: Basic Pet Shelter Protocol

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I. Purpose

To establish guidance and procedures to facilitate the basic safety and care of domestic pets in the City of Gresham during an emergency or disaster.

II. SITUATION AND ASSUMPTIONS

A. Natural or technological emergency and disasters occur that require citizens to evacuate their homes.

B. Many citizens own domestic pets such as dogs and cats and consider them as an intrinsic part of their households.

C. Pet owners may fail to evacuate because they cannot take their animals with them, and owners who have left their animals behind will later try to reenter the disaster area to rescue them.

D. Evacuation operations should include transportation and shelter for people who evacuate with their pets.

E. Red Cross shelters for citizens do not permit pets other than those used for special needs assistance.

F. Unattended pets may be at risk to themselves and to the general public.

G. Emergency planning for animals requires extensive collaboration among animal control, humane and animal welfare organizations, veterinarians, animal boarding facilities, emergency management officials, and volunteer groups.

III. CONCEPT OF OPERATIONS

A. City of Gresham residents are encouraged through public education to include pet supplies in their 72-hour kits and, if possible, to pre-arrange reciprocal agreements with relatives and friends prior to the onset of disaster situations.

B. For those who do not pre-arrange animal care, or when circumstances do not allow owners time to move pets, it may become necessary to open a Pet Shelter to ensure owner evacuations.

C. Pet Shelter locations will be announced along with the general public instructions for evacuation and shelter locations.

D. Pet Shelters will be paired with nearby Red Cross shelters, whenever possible. Owners can then assist with daily feeding, watering, exercising, and keeping the shelter area clean.

E. Pet owners will be required to show proof of required vaccinations. Any pet not having its vaccinations or considered to pose a risk to other animals or people will be admitted to the shelter only after shelter staff evaluation.

III. ROLES AND RESPONSIBILITIES

A. THE INCIDENT COMMANDER has primary responsibility for:

1. Developing the evacuation plan and issuing the evacuation order for citizens and their pets; and

2. Coordinating evacuation routing, procedures, shelter, and support requirements with other agencies and jurisdictions.

B. EMERGENCY MANAGEMENT is responsible for:

1. In advance of an emergency, providing citizens with outreach and education to include supplies, carriers, identification, and vaccination records for family pets in their 72-hour kit;

2. Establishing a cadre of volunteers to help staff Pet Shelters, as well as volunteer policies, procedures, and training; and

3. Establishing relationships and deployment protocol with local pet supply companies, veterinary clinics, and boarding facilities to assist with shelter operations and needs.

C. EOC STAFF has primary responsibility for:

1. Working with the Emergency Operations Center (EOC) Red Cross liaison to determine which location/s will be used for sheltering citizens;

2. Identifying Pet Shelter location/s within close proximity to Red Cross Shelter sites

3. Alerting the Red Cross that a City Pet Shelter will be set up and available to receive pets of evacuees;

4. Using procedures in Section II-A of this plan, warn the public of the emergency situation and provide evacuation and shelter information;

5. Using procedures in Section II-G of this plan, provide the media and public with information regarding the reason for the evacuation, available public transportation, and location of the Pet Shelter;

6. Coordinating reception/shelter area liaison and security;

7. Deploying pre-identified volunteers for shelter management;

8. Requesting assistance from Multnomah County Animal Control as needed, by contacting the Multnomah County EOC; and

9. Coordinating local pet supply companies, veterinary clinics, and boarding facilities to assist with shelter operations and supplies.

D. MULTNOMAH COUNTY ANIMAL CONTROL will:

1. Be responsible for rescue of livestock and other animals in distress; and

2. Be requested to assist at City Pet Shelter if the number of pets exceeds shelter capability, or uncontrollable animals are exhibiting dangerous behavior.

ATTACHMENT FA15-A: Basic Pet Shelter Protocol

I. Incident Command System (ICS)
Pet Shelter operations will follow ICS.

A. Command Responsibilities
1. Overall management of Pet Shelter.
2. Initiating set-up of shelter operations.
3. Supervision of shelter staff/volunteers.
4. Coordination with Red Cross Shelter management.
5. Maintaining incident log.
6. Close out of shelter operations.
7. Submission of pet shelter report to the Incident Commander (IC) in the EOC.

B. Operations Responsibilities
1. Register evacuees and their animals, using appropriate forms and checking vaccine records provided by owner.
2. Take photos of animals with their owners.
3. Assign animal to crate and properly label crate with owner identification (ID).
4. Maintain file of all animals in shelter.
5. Assist owners when they come to walk/feed/care for pet.
6. Walk/feed/care for pets whose owners are not able to attend to them.
7. Monitor animal stress and behavior problems.
8. Monitor supplies, food, and environmental conditions.
9. Assist in reunifying pets and owners.
10. Assist with break-down and cleaning of shelter and crates.

C. Planning Responsibilities:
1. Work with Operations and Logistics to keep abreast of staffing needs for upcoming shifts.
2. Communicate situation reports to EOC and Shelter Command to plan for next operational period.
3. Make note of incident situation and changing conditions.
4. Assist with operations of Pet Shelter, as needed.

D. Logistics Responsibility-
1. Set up signage and registration area.
2. Inventory facility space and note present conditions.
3. Configure shelter space.
4. Set up trash cans, crates, and supplies.
5. Ensure adequate supplies of crates, food, plastic bags, disinfectant, etc.
6. Coordinate with the EOC for special or additional supplies.

7. Coordinate with Red Cross Shelter manager for location of trash disposal, pet walking areas, and needs of Pet Shelter volunteers.

8. Break down shelter, clean-up of area and final check of area.

II. Allowable Animals
Domestic pets only will be accepted in the Pet Shelter. This includes dogs, cats, birds, ferrets, small mammals, reptiles, and fish. Animals not allowed include wild animals, feral animals, poisonous reptiles, and endangered or threatened species.

III. Registration and Intake
Pet owners must be officially registered at the adjacent Red Cross Shelter in order to have their pet in the Pet Shelter. Owners should provide ID and vaccine records for each pet. Every effort will be made to accommodate pets without such records, but they may be separated from other animals. Shelter paperwork and photos will be completed prior to owners leaving. Two photos will be taken: one remaining with the pet and the other given to the owner. Any owners that may be frail or experiencing cognitive stress will be given an "I Have A Pet" badge. This will alert Red Cross Shelter staff to check with the Pet Shelter before moving the owner to a new location.

IV. Reunification of Pets with Owners
All owners will produce the photo taken at reception for release of their pet. Coordination must be made with the Red Cross Shelter manager in the event that evacuees are moved to another location. Pets and their owners should be transported together whenever possible. If pets are not claimed, Multnomah County Animal Control and/or the Humane Society will be called for assistance.

V. Shelter Break-Down Procedures-
Once all pets have been distributed back to their owners, all crates, floors tables, etc. will be disinfected. All supplies will be inventoried, and a replacement list will be created. Documentation of the incident will include all registration and animal intake forms, photos of pets with owners, volunteer registration forms, incident logs kept by the shelter commander, and receipts for any purchases made. All information will be forwarded to the EOC documentation unit staff.

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FA 16 – Sheltering and Feeding

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I. SITUATION

A. Sheltering is the operation of providing temporary housing and associated services to a population, during a disaster or emergency. Many potential incidents (flooding, severe cold/hot weather, hazardous materials, terrorist threat, mass power-outages, etc.) could trigger the need for sheltering in Gresham.

B. Historically 80-90% of the evacuees will find shelter with relatives or friends rather than seek refuge in public emergency shelters.

C. Displaced citizens may need shelter and other elements of support, depending on the hazard, duration, and weather conditions. The Office of Emergency Management is the Lead Agency for sheltering operations in the City of Gresham. The American Red Cross (ARC) is the primary provider of shelters during disaster situations.

D. Churches and other Community Based Organizations (CBO's) may open shelters in the City of Gresham spontaneously, under their own guidance.

E. The City maintains a separate Sheltering plan, which can be obtained through the Office of Emergency Management.

II. CONCEPT OF OPERATIONS

A. The City Manager or Incident Commander has the authority to order the opening of city-managed shelters.

B. The City will be responsible for shelter operations, at shelters which were opened by the City, or where operations have been assumed by the City.

C. When conditions permit, before ordering the opening of a shelter in Gresham, the Incident Commander should:

1. Identify the potential area at risk and population demographics, to determine where a shelter should be opened. Include areas threatened if the incident escalates or conditions change.

2. Designate the areas of the City where shelters should be opened.

3. Instruct and coordinate with the Office of Emergency Management, directions to open shelters.

4. Provide Fire, Police, EMS, and DES support to Emergency Management, as needed.

5. Assess the shelter-needs of vulnerable populations and ensure coordination with Multnomah County Health and Human Services. These populations may include, but not be limited to-
   - Persons who are frail or housebound
   - Persons with disabling mental illness
   - Persons with physical disabilities, including sight or hearing limitations or mobility impairments
   - Persons who are medically fragile
   - Persons from culturally diverse populations

C. If the decision is made to open shelters, communications to the public should include at a minimum:

1. The locations/directions, hours of operations, and contact information of all shelters open in the city.

2. Special instructions, such as the shelters guidelines on: Accepting pets, accepting medically frail patients, food availability, etc.

3. Information regarding bus or other public transportation for those who may need it.

III. ROLES AND RESPONSIBILITIES

A. THE INCIDENT COMMANDER has primary responsibility for:

1. Coordinating City resources to provide shelter support and security, as needed.

2. Ensuring special safety requirements are met, such as fire/safety inspections, security, etc.

3. Determining the time of opening and duration of shelter operations.

B. GRESHAM EMERGENCY MANAGEMENT is responsible for:

1. Notifying the American Red Cross-Oregon Trail Chapter, and Multnomah County Emergency Management, of any potential shelter operations in the Gresham area.

2. Coordination of City Staff, Red Cross Staff, and/or volunteers, to serve as shelter management personnel.

3. Coordinate training and equipment for shelter management personnel, of City-managed/sponsored shelters.

4. Maintaining situation status of all shelters open in the City of Gresham. This should be done using the National Shelter System whenever possible.

5. Coordinating Human Services needs with Multnomah County Health and Human Services

6. Coordinating information and status updates with Multnomah County Emergency Management, as well as the Emergency Management departments from surrounding jurisdictions.

C. MULTNOMAH COUNTY HEALTH/HUMAN SERVICES will:

1. Be the lead agency in the identification and sheltering of special needs population groups within the shelters and regularly update the Vulnerable Population Registry available to all citizens within Multnomah County.

2. Coordinate transport, transit, destination, and accommodation requirements to meet special population needs.

D. EOC STAFF will support sheltering requirements, including:

1. Assist in determining shelter availability in the destination area(s), using the National Shelter System and Gresham Emergency Management volunteer database.

2. Assist the Incident Commander or the Public Information Officer in communicating with the public to provide shelter information

3. Coordinate shelter support with the Red Cross.

4. Coordinating reception/shelter area liaison and security

5. Coordinating neighborhood congregation points with law enforcement for evacuees who need transportation to evacuation points or shelters

6. Work with Multnomah County Health and Human Services to arrange and coordinate transportation for groups or individuals requiring assistance or special considerations to evacuate, such as the elderly, disabled, hospital patients, residents of nursing homes.

7. May request assistance from identified citizen volunteers (CERT, Neighborhood Watch, and Map Your Neighborhood Leaders) to enhance emergency response by assisting vulnerable resident within their neighborhoods.

8. Once shelter sites have been identified, assess the need for opening an additional shelter for pets of evacuees and deploying P.E.T volunteers for assistance.

F. The AMERICAN RED CROSS will:

1. Maintain a list of potential shelters for use during emergencies in the National Sheltering System.

2. Support Gresham Emergency Management in entering independent shelter sites information into the National Shelter System.

3. Work with Gresham Emergency Management to build sheltering capacity in the city.

4. Support the activation and operation of shelters during disasters.

5. Provide a Red Cross Liaison to the EOC when activated

IV. SHELTERING & FEEDING

A. AMERICAN RED CROSS

1. The American Red Cross provides sheltering and feeding services within its capacity.

2. The American Red Cross will work with the City of Gresham's Lead Agency for mass care, to develop plans when the need exceeds the Red Cross' capacity.

3. The American Red Cross will provide psychological first aid and advanced first aid services in its shelters.

4. The American Red Cross will coordinate the operations of Red Cross-managed general populations, with special needs and pet shelters

5. See the American Red Cross-Disaster Response Plan for details about additional services.

B. MULTNOMAH COUNTY

1. Disaster victims and vulnerable populations may be provided additional medical and social services by Multnomah County agencies or other volunteer, non-profit service organizations.

2. In the event that a pet shelter is required, Multnomah County Animal Control may be requested to assist with sheltering facilities and staffing needs.

C. ASSEMBLY AND RECEPTION FACILITIES

1. Mt. Hood Community College has agreed to provide facilities for temporary assembly and reception of displaced persons. If sheltering in excess of 4-6 hours is anticipated, a formal request needs to be submitted to the American Red Cross.

V. EMERGENCY RESPONSE PERSONNEL

1. EOC STAFF: Sheltering and feeding of the EOC staff is the responsibility of the Logistics Section. This function may be coordinated with the American Red Cross.

2. Gresham employees engaged in response activities will normally be released to their homes or stations to sleep. If not, the EOC Logistics Section will arrange shelter and feeding convenient to their assigned work area.

VI. FAMILIES OF RESPONSE PERSONNEL

1. If long-term sheltering is necessary, the Logistics Section will attempt to shelter the families of response personnel at one location to help keep families informed and relieve stress on Emergency Responders.

VII. HUMAN SERVICES

1. The Multnomah County Departments of Health Services, Community and Family Services, and Aging Services provide emergency medical, health, and welfare services to all citizens.

2. The EOC staff coordinates with these Departments and Divisions during a major emergency in Gresham.

3. Telephone, radio, television, and City and County web sites will be used to provide information on emergency human services.

4. The EOC Public Information Officer will coordinate all media releases concerning emergency health information and services with the appropriate medical and social service agencies.

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Incident Annexes

Incident Annexes

These annexes are emergency response strategies that apply only to a specific or narrowly defined set of hazards.

Each Incident Annex (IA) complements the basic plan and expands on policies and procedures that are specific to the hazard in question. This information may also be addressed in the separate stand-alone plans and standard operating procedures (SOPs) of other response agencies. In a stand-alone case, the Emergency Operations Plan (EOP) shall include specific references to those plans when appropriate and will provide a brief summary of how the EOP procedures are to be coordinated with the standalone procedures.

Each IA also contains an incident-specific checklist to assist emergency management personnel in ensuring that key response elements and activities are completed.

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IA 1 – Weather Emergencies

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- C. Emergency Management
- D. Emergency Operations Center

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ATTACHMENT IA1-A: Weather Incident Checklist

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I. Situation

A. East Multnomah County experiences a broad range of severe weather conditions such as freezing rain, high winds, snow, and hail. Weather-related incidents rank high in Gresham's All-Hazard Analysis, due to frequency and widespread impact. Particularly common are Columbia Gorge heavy winter rain, wind, and ice storms, which create hazardous driving conditions and often lead to power outages.

B. In December 1996, an ice storm resulted in the closure of I-84 from Troutdale through most of the Columbia River Gorge, stranding hundreds of motorists for several days. This same storm brought down thousands of trees and tree limbs in the greater metropolitan area, caused closure of Portland International Airport, and resulted widespread loss of electrical power. Major areas in East Multnomah County were without power for several days.

C. Coastal hurricane-force winds occasionally penetrate inland to the Willamette Valley, bringing wind gusts of 75–80 miles/hour. Approximately 40% of the recorded high winds are from the south or the west. As a rule, most of the wind in Multnomah County is generated in the Columbia Gorge and, as a result, moves from the East. These East winds help keep the area cool in summer and often bring blasts of Arctic air in the winter, resulting in very low temperatures. Damage from high winds generally consists of downed utility lines and trees, which can cause electrical power outages lasting anywhere from a few hours to two or three days. If high winds are accompanied by rain (which they often are), blowing leaves and debris can clogs drains, which, in turn causes localized urban flooding. Notable storms of this type were the Vanport Flood of 1948, the Columbus Day Storm of 1962, the Christmas Flood of 1964, and the December wind storm of 1995.

D. Significant snowstorms may also occur in the Gresham area. Although substantial accumulations are infrequent, December of 2008 brought the Gresham area a record 25 inches of snowfall. Because local residents are unaccustomed to operating in a snow environment, routine activities and transportation become difficult, if not impossible, under these conditions. During such snow storms, emergency service resources are rapidly overwhelmed.

II. Concept of Operation

A. The Department of Environmental Services (DES) is the lead agency for planning, preparation, and response to severe weather incidents affecting the City of Gresham. State, County, and public service agencies, as well as

public and private utilities, are responsible for maintaining their own operations and services during periods of extreme weather.

B. DES maintains emergency contact lists for these agencies.

III. Roles & Responsibilities

A. Lead Agency – Department of Environmental Services

1. DES maintains Mutual Aid/Cooperative Assistance Agreements for public works resources with Multnomah County, Fairview, Troutdale, Wood Village, and the Oregon Department of Transportation (ODOT).

2. DES monitors weather reports and road conditions to ensure an appropriate state of readiness when weather systems threaten.

3. DES has primary responsibility for:

   - Removal of snow, ice, and debris from public roadways and service areas (e.g. Fire Stations, etc), with consideration given to hiring contractors to assist with removal of snow from City-owned parking lots and other non-critical City-owned property;

   - Maintaining reasonable stockpiles of sand and road repair materials;

   - Coordinating with utilities, ODOT, Multnomah County, and other agencies during emergency operations; and

   - Providing equipment and personnel and placing barricades as needed to safely optimize traffic flow.

B. Police Department

   - Support DES during emergency snow, ice, or debris removal operations.

   - Coordinate with DES, County Sheriff, Oregon State Police, and neighboring law enforcement agencies for roadway closures and/or restrictions (for emergency vehicles only).

   - Coordinate search and rescue operations, as necessary.

C. Emergency Management

- When conditions warrant, assist in identifying high-risk populations as needed.
- Coordinate Emergency Operations Center (EOC) activities, including communications with Multnomah County and surrounding area EOCs.

D. Emergency Operations Center

- The EOC may be fully or partially activated for a weather incident. Staffing levels will be determined by the request of the Incident Commander (IC).
- When activated, the EOC is the primary focal point for coordinating all emergency operations in response to severe weather incidents.

IV. Power Outages

A. Portland General Electric (PGE) provides emergency response to the loss of residential and commercial power in Gresham. PGE maintains a list for priority restoration of power.

B. Emergency generators are available at critical facilities in the city, including the EOC, DES Operations, City Hall, and the Public Safety and Schools Building.

C. Citizens have individual responsibility for ensuring the continuity of home-operated life-support equipment during power outages.

V. Emergency Shelters

A. During power outages in inclement weather, temporary lodging or warming facilities may be needed for homeless citizens, motorists stranded on surface routes, or others.

B. Until the EOC is activated, Gresham Fire, Police, and Emergency Management responders will coordinate requests for shelter with the Oregon Trail Chapter of the American Red Cross (OTC/ARC).

ATTACHMENT IA1-A: Weather Incident Checklist

Lead Agency: **Gresham Department of Environmental Services**

Background Information

Phase of Activity	Action Items	Supplemental Information
PRE-INCIDENT PHASE	❑ **Continue to maintain and revise, as needed, applicable response plans pertaining to severe weather and landslides, including the City EOP and supporting procedures/plans.**	
	❑ **Monitor weather and flood reports.**	
	❑ **Pre-designate evacuation routes and alternate routes for areas vulnerable to landslides or other hazards relating to severe weather.**	
	❑ **Conduct pre-incident planning for sheltering and evacuation related to severe weather and landslides.**	
	– Prepare map(s) and scripts for use by local television station(s) during emergency broadcasts. Include release instructions.	
	– Prepare radio messages for use by local radio stations during emergency broadcasts. Include release instructions.	
	❑ **Have personnel participate in necessary training and exercises, as determined by Gresham Emergency Management in coordination with lead agencies and coordinators.**	
	❑ **Participate in Gresham and Multnomah County severe weather and landslide preparedness activities, seeking understanding of interactions with participating agencies in a severe weather scenario.**	
	❑ **Ensure that emergency contact lists are updated and establish a pre-event duty roster allowing for 24/7 operational support for the Gresham EOC.**	
	❑ **Ensure that landslide and flood response equipment and personnel inventories are current for Gresham.** Test and maintain response and communications equipment. Keep a stock of necessary response supplies.	
	❑ **Inform Gresham and Multnomah County Emergency Management of any major developments that could adversely affect response operations (e.g.,., personnel shortages, loss of firefighting equipment, etc.).**	
	❑ **Work with the County planning department to establish appropriate infrastructure protection measures in landslide/flood-prone areas.**	
	❑ **Provide public safety information and educational programs regarding emergency preparedness and response.**	

Phase of Activity	Action Items	Supplemental Information
RESPONSE PHASE	❑ **Activate the Gresham EOP when severe weather, and/or landslides incidents pose threats to the County.**	
	❑ **Activate the appropriate EOCs and establish Incident Command. For larger events that cross multiple jurisdictions, establish a UC.** City and/or County EOCs may be staffed. Staffing levels vary with the complexity and needs of the response. At a minimum, the IC, all Section Chiefs, the Resource Coordinator, and management support positions will most likely be needed.	*FA 1 of the City EOP*
	❑ **Estimate emergency staffing levels and request personnel support.**	
	❑ **Ensure that action is taken to protect personnel and emergency equipment from possible damage by severe weather, landslides, or floodwaters.**	
	❑ **Develop work assignments for ICS positions (*recurring*).**	*ICS Form 203: Organization Assignment List*
	❑ **Notify supporting agencies as well as the Mayor and City Council.**	
	– Identify local, County, and regional agencies/entities that may be able to mobilize resources to support local response efforts and EOC staffing.	
	❑ **Determine the type, scope, and extent of the incident (*recurring*).** Verify reports and obtain estimates of the area that may be affected. Obtain status of impacts within the city.	*ICS Form 209: Incident Status Summary*
	– Notify command staff, support agencies, adjacent jurisdictions, agency leads/coordinators, and liaisons of any situational changes.	
	❑ **Develop and initiate shift rotation plans, including briefing of replacements during shift changes.**	
	– Dedicate time during each shift to preparing for shift change briefings.	*ICS Form 201: Incident Briefing*
	❑ **Confirm or establish communications links among local and County EOCs and other AOCs. Confirm operable phone numbers and verify functionality of alternate communications resources.**	*FA 1 of the City EOP*
	❑ **Ensure that all required notifications have been completed.** Consider other local, County, and regional agencies/entities that may be affected by the incident. Notify them of the status.	*Established emergency contact lists maintained at the EOC*
	❑ **Manage and coordinate interagency functions.** Providing multi-agency coordination is the primary goal. Assimilate into a UC structure if the scope of the incident so dictates.	
	❑ **Implement local plans and procedures for severe weather, landslide, and/or flood operations.** Ensure that copies of all documents are available to response personnel. Implement agency-specific protocols and SOPs.	*Local, agency, and facility-specific SOPs*

Phase of Activity	Action Items	Supplemental Information
	❑ **Obtain current and forecasted weather to project potential damage and determine the affected area (*recurring*).**	
	❑ **Determine the need to conduct evacuations and sheltering activities (*recurring*).**	*FA1 of the City EOP*
	❑ **Determine the need for additional resources and request as necessary through appropriate channels (*recurring*).**	*FA 1 of the City EOP*
	❑ **Submit a request for an emergency/disaster declaration, as applicable.**	*Section 1 of the City EOP*
	❑ **Activate mutual aid agreements.** Activation includes placing backup teams on standby and alerting resource suppliers of both current and potential needs.	
	❑ **Coordinate resource access, deployment, and storage in the operational area.** Resources to coordinate include equipment, personnel, facilities, supplies, procedures, and communications. Track resources as they are dispatched and/or used.	*ICS Resource Tracking Forms* *FA 1 of the City EOP*
	❑ **Develop plans and procedures for registering mutual aid and other first responders as they arrive on the scene and receive deployment orders.**	
	❑ **Establish a JIC and designate a lead PIO for the City.**	*FA 1 of the City EOP*
	❑ **Formulate emergency public information messages and media responses utilizing "one message, many voices" concepts (*recurring*).**	
	- Public information will be reviewed by the IC or designee. Information will be approved for release by the IC and Lead PIO before dissemination to the public.	*FA 1 of the City EOP*
	❑ **Record all EOC and individual personnel activities (*recurring*).** All assignments, person(s) responsible, and actions taken should be documented in logbooks.	*EOC Planning Section job action guide*
	❑ **Record all incoming and outgoing messages (*recurring*).** All messages and the person sending or receiving them should be documented as part of the EOC log.	
	❑ **Develop situation reports (*recurring*).** At regular intervals, the EOC Director and staff will assemble a situation report.	
	❑ **Develop and update the IAP (*recurring*).** This document is developed by the Planning Section and approved by the IC. The IAP should be discussed at regular intervals and modified as the situation changes.	*ICS Form 202: Incident Objectives*
	❑ **Implement objectives and tasks outlined in the IAP (*recurring*).**	
	❑ **Coordinate with private sector partners as needed.**	

Phase of Activity	Action Items	Supplemental Information
	❑ **Ensure that all reports of injuries, deaths, and major equipment damage accrued during response activities are communicated to the IC and/or the Safety Officer.**	
RECOVERY/DEMOBILIZATION PHASE	❑ **Ensure an orderly demobilization of emergency operations in accordance with current demobilization plans.**	
	❑ **Once the threat to public safety is eliminated, conduct cleanup and recovery operations.**	
	❑ **Activate, if necessary, the appropriate recovery strategies, continuity of operations plans, and/or continuity of government plans.**	*FA 1 of the City EOP*
	❑ **Release mutual aid resources as soon as possible.**	
	❑ **Conduct a post-event debriefing to identify success stories, opportunities for improvement, and development of the After Action Report/Improvement Plan.**	
	❑ **Deactivate/demobilize the EOCs, AOCs, and command posts.**	
	❑ **Correct response deficiencies reflected in the Improvement Plan.**	
	❑ **Revise any applicable emergency response plans, based on the success stories and/or lessons learned during the response.**	
	❑ **Submit valuable success stories and/or lessons learned to the Lessons Learned Information Sharing website (www.llis.gov)**	

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IA 2 – Earthquake

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ATTACHMENT IA2-B: Earthquake Incident Checklist

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Earthquakes

This Incident Annex (IA) addresses the hazard-unique procedures and methods the jurisdiction uses to prepare for, and respond to, earthquake emergencies/disasters.

SITUATION

Gresham lies within the geographical area of the Cascadia subduction zone. This zone, where the Pacific plate is being submerged beneath the North American plate, is part of a larger subduction system that includes the seismically active and extremely hazardous San Andreas Fault and Alaskan earthquake zones.

Recent studies indicate that because of its proximity to this subduction zone, the Pacific Northwest could be subject to earthquakes in excess of 8.0 on the Richter scale. Additional fault zones in East Multnomah County may produce localized earthquakes of up to 6.0 on the Richter scale. An earthquake of 6.0–8.0 magnitude is likely to cause structural damage to bridges, buildings, utilities, and communications systems, as well as:

- Natural/environmental emergencies such as floods and landslides;
- Industrial/technological emergencies such as fires, explosions, and hazardous materials incidents;
- Disruption of vital services such as water, sewer, power, gas, and transportation routes;
- Disruption of emergency response systems and services; and
- Potential civil disturbances and looting.

Actual earthquake damage can vary significantly, depending on the nature and severity of the event. Most injuries result from flying or falling debris, and citizens should use “Duck, Cover, and Hold On” procedures to protect themselves during an earthquake. Citizens should not re-enter a building or structure until it has been inspected and declared safe by competent authorities.

CONCEPT OF OPERATIONS

A. The City’s Lead Agency for earthquake planning is DES.

B. It is likely that a major earthquake in East County will trigger the need for a Level 2 or Level 3 response. The Gresham Emergency Operations Center (EOC) will likely be activated as the focal point for coordinating response and recovery operations.

C. All other City departments will continue to provide services to the best of their abilities and assist the lead department, as requested.

D. Under a worst-case scenario a quake would occur at night, when key staff are at home. Road systems would be damaged, and most, if not all,

communications systems would be inoperable for the first few hours following the shock. Shift Commanders (Police Department), Battalion Chiefs (Fire), and on-duty DES supervisors would assume initial responsibility until more senior officials were able to report for duty.

E. If normal telephone, paging, and callback systems are inoperative, all EOC team personnel should automatically report to the EOC after ensuring the safety of their families. The Emergency Alert System (EAS) may also be used to notify essential personnel to report for duty.

F. A severe earthquake can create the need for long periods of response, repair, and restoration and may necessitate the commitment of personnel, equipment, materials, and supplies for long periods after the quake itself.

G. The City's first priority is to maintain/restore Gresham's emergency response to life-threatening situations. Fires and other earthquake-related incidents that are not life threatening have a lower priority than search and rescue, emergency medical services, etc.

ROLES & RESPONSIBILITIES

A. All Departments will:

- Account for all employees on duty and report injured and/or missing employees to the EOC;
- Release assigned personnel who are EOC Team members for shift duty in the EOC;
- Activate Department's Continuity of Operations Plan (COOP);
- Assess damage to workplace, resources, and communications systems to determine whether continued operations are feasible;
- Establish staffing pattern for contingency operations (unless specifically instructed otherwise, all personnel are expected to report for work according to normal schedules); and
- Report operational status to the EOC/COOP Situation Status Unit, including details regarding continuity and restoration of essential services. See COOP for contact information.

B. The Department of Environmental Services will:

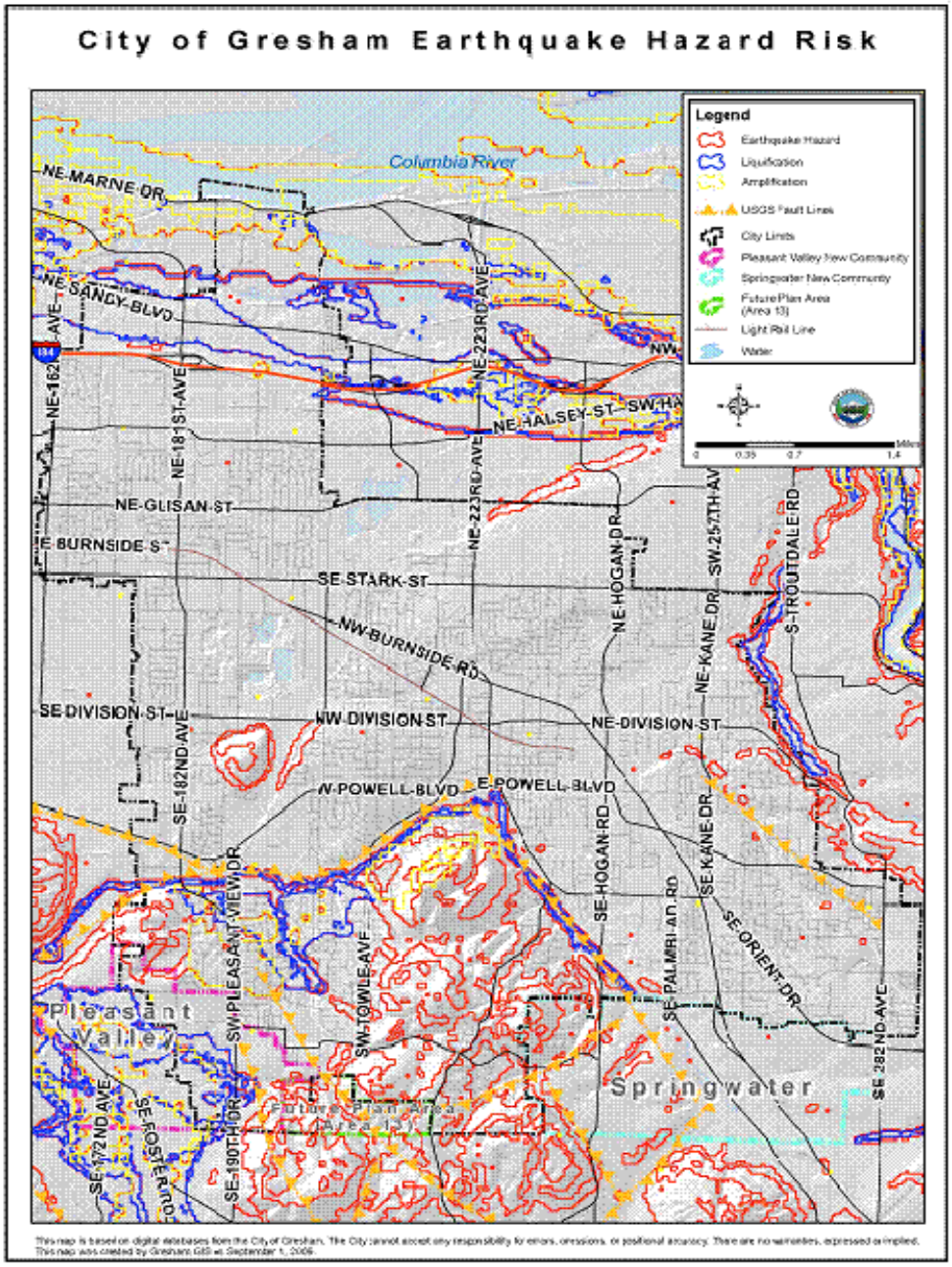
- Coordinate with appropriate agencies to inspect and assess sewer, water, electrical, and gas lines;

- Facilitate the assessment of damage to Emergency Transportation Routes (ETRs);
- Assist IC in designating specific ETRs to receive resource priority for restoration (debris removal, repair, etc.);
- Restore travel capacity of priority ETRs as soon as possible and other ETRs as time and resources permit;
- Coordinate with law enforcement in limiting travel into affected areas (road closures, detours, etc.); and
- Provide the EOC Logistics Section a list of agency resources available for assignment by the IC.

C. Emergency Management will:

- Establish and maintain reporting and coordination contact with regional and state emergency management agencies and volunteer organizations; and
- Assist the IC as Emergency Management Coordinator in the EOC.

Gresham Earthquake Hazard Risk Areas



ATTACHMENT IA2-A: Incident Stabilization/Restoration Sequence

	Priority 1	Priority 2	Priority 3
Facilities	EOC	Albertson's Distribution Center	Schools (not in session)
	DES Operations	Boeing	
	Fire Stations	Microchip Technologies	
	Police Facilities	On-Semiconductor	
	Mt. Hood Medical Center	City Facilities	
	Red Cross Shelters		
	Wastewater Treatment Plant		
	Healthcare Facilities		
	Schools (in session)		
Energy	Fueling Pumps	Residential Heating/Cooking	
	EOC	City computer systems	
	Mt. Hood Medical Center		
	Red Cross Shelters		
	Wastewater Treatment Plant		
Communication	Police/Fire/DES	Critical phone circuits	Data and other commercial communication services
	EOC	Radio/TV stations	
Transportation	Priority ETRs	Secondary ETRs	Arterials
	Evacuation routes		
Personnel	Police/Fire/DES	Workers essential to reconstruction, debris removal and waste disposal	Personnel for economic recovery
	EOC Teams		
	City Officials		
Water	Potable water	Industrial processes	Irrigation
	Fire suppression	Sanitation	

The Priorities Reflected In This Matrix Are Intended As General Guidelines For Incident Commanders.

ATTACHMENT IA2-B: Earthquake Incident Checklist

Phase of Activity	Action Items	Supplemental Information
PRE-INCIDENT PHASE	❑ **Continue to maintain and revise, as needed, applicable response plans pertaining to earthquakes and other seismic activity, including the Gresham EOP and supporting procedures and plans.**	
	❑ **Pre-designate evacuation routes and alternate routes for areas vulnerable to earthquakes.**	
	❑ **Conduct pre-incident planning for sheltering and evacuation related to earthquakes.**	
	– Prepare map(s) and script to be used on local television station(s) for emergency broadcast. Include release instructions.	
	– Prepare radio messaging to be used by local radio stations for emergency broadcast.	
	❑ **Have personnel participate in necessary training and exercises, as determined by Gresham Emergency Management.**	
	❑ **Participate in Gresham and Multnomah County earthquake preparedness activities, seeking understanding of interactions with participating agencies in an earthquake scenario.**	
	❑ **Ensure that emergency contact lists are updated and establish a pre-event duty roster allowing for 24/7 operational support for the City and County EOCs.**	
	❑ **Ensure that earthquake response equipment and personnel inventories are updated.** Test and maintain response and communications equipment. Keep a stock of necessary response supplies.	
	❑ **Inform Gresham Emergency Management of any major developments that could adversely affect response operations (i.e., personnel shortages, loss of firefighting equipment, etc.).**	
	❑ **Work with County planning department and local planning commissions to establish appropriate infrastructure protection measures in landslide-prone areas.**	
	❑ **Provide public safety information and educational programs regarding emergency preparedness and response.**	
RESPONSE PHASE	❑ **Activate the City EOP when earthquake and/or seismic incidents pose threats.**	
	❑ **Activate the appropriate EOCs and establish Incident Command. For larger events that cross multiple jurisdictions, establish a UC.** City and/or the County EOC may be staffed. Staffing levels vary with the complexity and needs of the response. At a minimum, the IC, all Section Chiefs, the Resource Coordinator, and management support positions will most likely be needed.	*Functional Annex 1 (FA1) of the City EOP*
	❑ **Estimate emergency staffing levels and request personnel support.**	

Phase of Activity	Action Items	Supplemental Information
	❑ **Ensure that action is taken to protect personnel and emergency equipment from possible damage by earthquake, also being cognizant of aftershocks.**	
	❑ **Develop work assignments for ICS positions (*recurring*).**	*ICS Form 203: Organization Assignment List*
	❑ **Notify supporting agencies as well as the County Court.**	*FA 1 of the City EOP*
	– Identify local, County, regional, State, and Federal agencies/entities that may be able to mobilize resources to support local response efforts and EOC staffing.	
	❑ **Determine the type, scope, and extent of the damage (*recurring*).** Verify reports and obtain estimates of the area that may be affected. Obtain status of impacts within the City.	*ICS Form 209: Incident Status Summary.*
	– Notify command staff, support agencies, adjacent jurisdictions, coordinators, and liaisons of any situational changes.	
	❑ **Develop and initiate shift rotation plans, including briefing of replacements during shift changes.**	
	– Dedicate time during each shift to preparing for shift change briefings.	*ICS Form 201: Incident Briefing*
	❑ **Confirm or establish communications links among local and County EOCs, other AOCs, and the State ECC. Confirm operable phone numbers and verify functionality of alternate communications resources.**	*FA 1 of the City EOP*
	❑ **Ensure that all required notifications have been completed.** Consider other local, County, regional, tribal, State, and Federal agencies/entities that may be affected by the incident. Notify them of the status.	*Established emergency contact lists maintained at the EOC*
	❑ **Manage and coordinate interagency functions.** Providing multi-agency coordination is the primary goal. Assimilate into a UC structure if the scope of the incident so dictates.	
	❑ **Implement local plans and procedures for earthquake operations.** Ensure that copies of all documents are available to response personnel. Implement agency-specific protocols and SOPs.	*Local, agency, and facility-specific SOPs*
	❑ **Conduct and obtain current damage reports and determine the affected area (*recurring*).**	
	❑ **Determine the need to conduct evacuations and sheltering activities (*recurring*).**	*FA 1 of the City EOP*
	❑ **Determine the need for additional resources, and request as necessary through appropriate channels (*recurring*).**	*FA 1 of the City EOP*
	❑ **Submit a request for emergency/disaster declaration, as applicable.**	*Section 1.4.2 of the City EOP*
	❑ **Activate mutual aid agreements.** Activation includes placing backup teams on standby and alerting resource suppliers of both potential and current needs.	
	❑ **Coordinate resource access, deployment, and storage in the operational area.** Resources to coordinate include equipment, personnel, facilities, supplies, procedures, and communications. Track resources as they are dispatched and/or used.	*ICS Resource Tracking Forms* *FA 1 of the City EOP*

Phase of Activity	Action Items	Supplemental Information
	❑ **Develop plans and procedures for registering mutual aid and other first responders as they arrive on the scene and receive deployment orders.**	
	❑ **Establish a JIC and designate a lead PIO for the City.**	*FA 1 of the City EOP*
	❑ **Formulate emergency public information messages and media responses, utilizing "one message, many voices" concepts (*recurring*).**	
	– Public information will be reviewed by the IC or designee. Information will be approved for release by the IC and lead PIO prior to dissemination to the public.	*FA 1 of the City EOP*
	❑ **Record all EOC and individual personnel activities (*recurring*).** All assignments, person(s) responsible, and actions taken should be documented in logbooks.	*EOC Planning Section job action guide*
	❑ **Record all incoming and outgoing messages (*recurring*).** All messages, and the person sending/receiving them, should be documented as part of the EOC log.	
	❑ **Develop and deliver situation reports (*recurring*).** At regular intervals the IC/EOC Director and staff will assemble a situation report.	
	❑ **Develop and update the IAP (*recurring*).** This document is developed by the Planning Section and approved by the IC. The IAP should be discussed at regular intervals and modified as the situation changes.	*ICS Form 202: Incident Objectives.*
	❑ **Implement objectives and tasks outlined in the IAP (*recurring*).**	
	❑ **Coordinate with private sector partners as needed.**	
	❑ **Ensure that all reports of injuries, deaths, and major equipment damage accrued during response activities are communicated to the IC and/or the Safety Officer.**	
RECOVERY/DEMOBILIZATION PHASE	❑ **Ensure an orderly demobilization of emergency operations in accordance with current demobilization plans.**	
	❑ **Once the threat to public safety is eliminated, conduct and/or coordinate cleanup and recovery operations.**	
	❑ **Activate, if necessary, the appropriate recovery strategies, continuity of operations plans, and/or continuity of government plans.**	*FA 1 of the City EOP*
	❑ **Release mutual aid resources as soon as possible.**	
	❑ **Conduct a post-event debriefing to identify success stories, opportunities for improvement, and development of the After Action Report/Improvement Plan.**	
	❑ **Deactivate/demobilize EOCs, AOCs, and command posts.**	
	❑ **Correct response deficiencies reflected in the Improvement Plan.**	
	❑ **Revise any applicable emergency response plans based on the success stories and/or lessons learned during the response.**	
	❑ **Submit valuable success stories and/or lessons learned to the Lessons Learned Information Sharing website (www.llis.gov).**	

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IA 3 – Hazmat Incidents

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ATTACHMENT IA3-A: HAZMAT Incident Checklist

Hazardous Materials Release (Accidental Release)

This Incident Annex (IA) addresses the hazard-unique procedures and methods used to prepare for and respond to releases that involve hazardous materials (HazMat) that are manufactured, stored, or used at fixed facilities or in transport. This may include materials that exhibit incendiary or explosive properties when released.

I. AUTHORITY AND REFERENCE:

This annex is issued in accordance with and under the provisions of: Chapter 401 of the Oregon Revised Statutes (ORS); Title III: Emergency Planning and Community Right-To-Know; and the Superfund Amendments and Reauthorization Act of 1986 (SARA) and complies with ORS provisions for HazMat response and planning.

II. PURPOSE AND SCOPE:

A. PURPOSE:
The purpose of this annex is to describe how the City of Gresham will operate during emergencies involving the spill or release of hazardous materials and damage to vessels containing hazardous materials. The annex is consistent with the emergency plans of adjoining emergency management agencies, the State of Oregon's Emergency Operation Plan, and the Oregon Fire Service Plan.

B. SCOPE:
This annex identifies who will be in charge of the incident and provides guidelines for coordinating emergency response with County, State, and Federal agencies; local jurisdictions; and industry and volunteer resources.

In this annex, the term "Hazardous Material" will be used to describe any substance, whether solid, liquid, or gas, that can harm people, other living organisms, property, or the environment.

III. SITUATION AND ASSUMPTIONS:

A. SITUATION:
Numerous agencies and businesses in and near Gresham transport, store, handle, and use hazardous materials in the course of normal operations. Potential HazMat situations can range from an illegal drug lab to a major transportation incident and may involve a wide range of potential hazards.

B. ASSUMPTIONS:
Emergency response agencies will respond to a HazMat incident only to the extent that they determine is within their ability. Response may be limited to determining the public's exposure and implementing actions to protect life and property.

Emergency responders will neither implement nor assume responsibility for control, stabilization, containment, recovery, or cleanup if it lies beyond their level of knowledge, training, expertise, or equipment.

The City of Gresham operates Hazardous Materials Team 3 (HazMat3or HM3), a State of Oregon Hazardous Materials response asset. Hazardous materials response will often require coordination with local government, industry, and others. Hazardous materials emergencies may also require additional State or Federal assistance. Such assistance will be coordinated through the Incident Commander (IC).

IV. CONCEPT OF OPERATIONS:

A. NOTIFICATION:

Local notification is through 911, Portland's Bureau of Emergency Communication (BOEC).

Public Notification can be conducted either through law enforcement using vehicles with sirens and loud speakers or via the Emergency Alert System (EAS). The EAS system utilizes KGON 92.3 fm and KXL 750 am to broadcast emergency instructions. Gresham Alert Radio Station (AM 1610) can also be used.

State Notification. The spiller is required to call the Oregon Emergency Response System (OERS), 1-800-452-0311 or (503) 378-6311. Gresham Fire and Emergency Services, the Incident Command Agency, or BOEC can notify the State. The OERS operator can notify the appropriate State lead agency and others as necessary, but must be requested to do so.

If needed, the U.S. Coast Guard in Portland can be notified by calling (503) 240-9300.

Federal Notification. Depending on the type and quantity of materials spilled, the spiller may have to notify the National Response Center (NRC) at 1-800-424-8802. OERS can notify the NRC upon request.

B. INCIDENT COMMAND:

1. Incident Command Agency:

   The first public safety officer to arrive on scene assumes the IC position.

For crime-related hazardous materials incidents, a Unified Command with Gresham Police and Gresham Fire and Emergency Services may be established.

The IC has the authority to direct all on-scene emergency response operations.

2. Incident Command:

NOTE: State of Oregon HazMat Teams, such as HazMat3, <u>are prohibited</u> from performing the Incident Commander role.

Stabilization and Control Phase. Incident Command will normally remain with the local Fire Agency until the Emergency Response Phase and Stabilization Phase are completed.

Cleanup and Restoration Phase. For major incidents, the IC will turn command over to the lead State Agency or its designee for the Cleanup and Restoration Phase.

C. INCIDENT OPERATIONS:

1. **Emergency Response Phase.** The first public safety officer on-scene will:
   - Assess the situation,
   - Notify BOEC (911) as necessary,
   - Initiate actions to protect the public,
   - Assume Incident Command,
   - Initiate incident stabilization procedures, and
   - Transfer command as appropriate.

2. **Cleanup and Restoration Phase.** The party responsible for the release or spill is responsible for cleanup. The lead State Agency or designee assumes oversight responsibilities.

D. EMERGENCY OPERATIONS CENTER:

The IC or Unified Command may request that the Gresham Emergency Operations Center (EOC) be selectively or fully activated to support the emergency response.

E. TECHNICAL ASSISTANCE:

Pre-Incident Fire Plans for fixed sites in the East Multnomah County area are maintained by the State Fire Marshal and distributed to Fire agencies. The hazard analyses for the Gresham Extremely Hazardous Substance

(EHS) facilities are available through the Hazardous Substance Information System

Oregon Emergency Response System (OERS). 24-hour technical assistance from State agencies is available through OERS at 1-800-452-0311.

Oregon Health Sciences University (OHSU) Poison Control Center. 24-hour toxicology information and medical treatment advice is available from OSHU at 1-800-452-7165.

National Response Center (NRC). 24-hour technical assistance from federal agencies is available through the NRC.

CHEMTRAC. 24-hour chemical information assistance is available from industry resources at 1-800-424-9300.

Bureau of Explosives. 24-hour assistance for rail incidents is available from American Railroad's Bureau of Explosives.

V. RESPONSIBILITIES:

A. FIRE AGENCIES:
Gresham Fire and Emergency Services provide services in their area of responsibility.

- Provide on-scene command using the Incident Command System (ICS).
- Assist with radiological and chemical monitoring and decontamination.
- Provide technical advice and support to other departments/agencies regarding Hazardous Materials issues.
- Provide stand-by emergency response capability.
- Provide emergency medical operations.
- Decontaminate affected population.
- Provide IC or a representative for Unified Command.

B. POLICE DEPARTMENT:

- Coordinate activities with the IC.
- Provide crowd and traffic control.
- Conduct evacuation operations, as directed by IC.
- Provide on-scene Incident Command or facilitate Unified Command for crime-related HazMat incidents.

C. DEPARTMENT OF ENVIRONMENTAL SERVICES:

- Coordinate activities with the IC.
- Provide and place material to dike, block, or absorb spilled materials to stop or limit its run-off in a defensive manner with no direct involvement.
- Facilitate repairs and restoration of services.

D. AMBULANCE SERVICES:

- Multnomah County has primary responsibility for medical transport through its contracted services for fully decontaminated patients, only.

E. GRESHAM EMERGENCY MANAGEMENT:

- Provide support and coordinate activities as requested by the IC.

F. INDUSTRY TEAMS:

- Coordinate activities with the Facility's IC;
- Ensure that emergency operations plans are consistent with this annex;
- Respond to emergencies as required, unless otherwise directed by the public response agency;
- As soon as public agency assumes Incident Command, the facility's IC becomes the site liaison to the public agency's IC.
- Emergency Response Team (ERT) members who do not participate may become technical resources to HazMat Response Team 3.
- Report the spill or incident to proper agencies.
- Conduct or ensure site cleanup and restoration as required by law.

800 MHz radio communications is presently used at:
Boeing
On Semiconductor Corp
Microchip
These businesses may use 800 MHz radios to establish enroute incident response coordination with Gresham Fire and Emergency Services (FES).

VI. RESOURCES FOR RESPONSE:

A. REGIONAL AGENCIES:
Gresham Fire and Emergency Services, Gresham Police, and Multnomah County Sheriffs Department maintain and staff one of three Hazardous Materials Response units in the Metro area. Portland Fire Bureau and

Tualatin Valley Fire and Rescue operate the other HazMat teams, and both are available for back-up response in the East Multnomah County area.

Other agencies that may be available include the Federal Bureau of Investigations (FBI), Department of Health Radiation Team, Oregon National Guard-Civil Support Teams, and Federal Disaster Medical Assistance Team(DMAT)/Disaster Mortuary Operational Response Team (DMORT).

VII. HazMat CATEGORIES:

HazMat emergencies are classified into three levels of severity, based on the amount of material spilled, the location, the toxicity of the material, and potential exposures.

A. HAZMAT INVESTIGATION: An incident in which little or no hazardous materials are released. Public health and safety are not immediately threatened.

Examples of incidents that may be categorized as "HazMat Investigations" are given below.

- A vehicle carrying a high-level radioactive shipment, Class-A explosives, or highly toxic materials has a mechanical breakdown requiring it to be parked at one location for a long period of time.
- A fire occurs at a facility storing or using hazardous materials. The materials are not initially involved in the fire.
- A vehicle accident or fixed site incident occurs with a small spill or release of oil or hazardous materials.
- Abandoned drums are discovered with no release, or oil or hazardous materials are found with a small spill or release of product.

"HazMat Investigations" can be handled using the Standard Operation Procedures (SOPs) of a public emergency response agency or industrial emergency response team (ERT) and do not normally require implementation of this annex.

B. HAZMAT MINOR EMERGENCY: An incident involving localized release of oil or hazardous materials. Health and safety of people and emergency workers in the immediate area may be threatened if protective actions are not taken. A probable environmental impact exists.

Examples of incidents that may be categorized as "HazMat Minor Emergencies" are given below.

- A transportation accident occurs that results in release of oil or hazardous materials to air, ground, or water in amounts sufficient to pose a threat to public health and the environment.
- A package or container containing radioactive materials is crushed or damaged during handling.
- A fire or explosion occurs at a facility that uses utilizes hazardous materials. The materials are involved in the fire or explosion.
- Abandoned oil or hazardous materials are discovered that release sufficient amounts to pose a threat to public health or the environment.

"HazMat Minor Emergencies" have special or unique characteristics that may require partial activation of this annex.

C. HAZMAT MAJOR EMERGENCY: An incident involving large release of hazardous materials creating a serious environmental, health or safety threat. May require shelter-in-place or relocation of the affected population.

Examples of incidents that may be categorized as "HazMat Major Emergencies" are given below.

- A truck or rail fire incident occurs that involves a large amount of radiation, contaminated smoke, or toxic fumes.
- A shipping accident occurs that results in a large release of oil or hazardous materials.
- Hazardous materials or radioactive materials are directly involved in a fire or explosion at a fixed facility.
- A fixed facility incident occurs that results in a major release of toxic fumes or hazardous materials to the environment.

"HazMat Major Emergencies" require the coordinated response of government to save lives and property. HazMat Major Emergencies may also require additional State/Regional Hazardous Materials Response Team response and activation of this annex.

VIII. HAZMAT RESPONSE TACTICAL ROLES AND RESPONSIBILITIES:

Roles change for each type of incident, and the functions listed below can be accomplished either on- or off-site. The checklist is intended to trigger specific actions that may need to be performed during a HazMat incident.

A. HAZMAT EMERGENCY CALLS

FIRST PUBLIC SAFETY OFFICER • Assesses the hazards • Assume initial command • Initiate actions to protect public	**RESPONSIBLE PARTY (Spiller)** • Notify OERS and NRC as required • Provide information about materials • Clean or contract cleanup
INCIDENT COMMANDER • Assume command upon arriving on scene • Establish ICS	**EMERGENCY MANAGEMENT** • Provide operational support to the IC • Provide ICS services as requested
LEAD STATE AGENCY • Provide technical support to the Incident Commander • Coordinate with IC or PIO to assist in providing public information • Contract for cleanup if no responsible part is identified	**REGIONAL HAZMAT RESPONSE TEAM 3** • Provide technical assistance to the Incident Commander • Provide stabilization and control of hazardous materials releases within the scope of their training
LOCAL HOSPITAL • Treat injured • Maintain contamination control procedures	**CLEANUP CONTRACTORS** • Perform final cleanup, decontamination and restoration at the direction of State Fire Marshal Hazmat Compliance Division
STATE FIRE MARSHAL HAZMAT COMPLIANCE DIVISION • Assume command for oversight of the Cleanup and Restoration Phase. This may include: – Department of Environmental Quality coordination – Coordination with all Federal agencies – Monitoring Contractor cleanup process	**FEDERAL AGENCIES** • Provide technical and logistical support to IC as requested • Assume command for all federal military operations and federal owned lands

B. HAZMAT SECURITY INCIDENT:

GRESHAM POLICE DEPT.
• Notify 9-1-1, BOEC
• Assume role of IC
• Responsible for:
  • On-scene operations
  • Initiating emergency
  • Response actions
  • Notifications
  • Investigations
  • Arrests
  • Crowd and Traffic controls
	LEAD STATE AGENCY
	• Provide technical advice to law enforcement agencies and on-scene operations

OTHER LAW ENFORCEMENT AGENCIES

- Support law enforcement agency which has the jurisdiction

GRESHAM FIRE

- Provide technical advice and support to the IC
- Provide stand-by emergency response capabilities

RESPONSIBLE PARTY

- Support IC during emergency operations

C. DRUG LAB INCIDENTS:

LAW ENFORCEMENT AGENCY HAVING JURISDICTION

- Assume role of IC, or establish Unified Command
- Responsible for:
  - On-scene operations
  - Investigations
  - Initiating emergency response actions
  - Arrests
  - Crowd and Traffic Controls

OTHER LOCAL AND STATE LAW ENFORCEMENT AGENCIES

- Support law enforcement agency which has the jurisdiction

LOCAL FIRE RESPONSE AGENCIES

- Provide technical advice and support to the IC
- Provide stand-by emergency response capabilities

REGIONAL HazMatT RESPONSE TEAM

- Provide site stabilization and control for the IC

LEAD STATE AGENCY

- Provide technical advice to law enforcement agencies and on-scene operations

MULTNOMAH COUNTY DISTRICT ATTORNEY'S OFFICE

- Provide technical advice to IC

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

- Assume responsibility for clean-up and storage of hazardous materials

APPENDIX A: Definitions of Key Terms:

County Fire Chief: Under a mutual agreement between all Fire response agencies operating in Multnomah County, the position of County Fire Chief rotates on a quarterly basis between Portland, Gresham, and Corbett.

DMAT: A Disaster Medical Assistance Team (DMAT) is a group of professional and para-professional medical personnel organized to provide rapid-response medical care or casualty decontamination during a terrorist attack, natural disaster, or other incident in the United States. DMATs are part of the National Disaster Medical System and operate under the Department of Health and Human Services (DHHS).

DMORT: A Disaster Mortuary Operational Response Team or DMORT is a team of experts in the fields of victim identification and mortuary services. DMORTs are activated in response to large-scale disasters in the United States to assist in identifying deceased individuals and storage of the bodies pending the bodies being claimed.

Emergency Operations Center (EOC): Site from which local, County, State, and Federal agencies coordinate support to field operations.

Emergency Services: Activities provided by County, State, and local government to prepare for and carry out any activity to prevent, minimize, respond to, or recover from an emergency.

HazMat Emergency: An incident that may be handled using standard operating procedures of a local response agency and does not normally require implementation of this annex.

Hazardous Materials (HazMat): Any element, compound, mixture, solution or substance that, when released onto the ground, into water, or into the air may present a substantial danger to public health, safety, or the environment.

HazMat Security Incident: Threatened or actual sabotage or demonstration of civil disobedience involving hazardous materials.

Incident Commander (IC): The individual in charge of, and responsible for, all emergency response activities for a specific incident.

Incident Command Post (ICP): Field location from which the Incident Commander directs on-scene response.

Incident Command System (ICS): A structured framework used by emergency response personnel to organize and direct emergency response activities.

Joint Information Center (JIC): A facility established to coordinate public information.

Operations Section Chief (OSC): Individuals responsible for coordinating the resources at Local, State, and Federal levels.

Public Information Officer (PIO): Individual designated by the Incident Commander to provide information to the public and media.

Responsible Party: The person or agency that caused the incident and, by law, is liable for its associated cleanup and mitigation.

Special Emergency: Incident that has special or unusual characteristics requiring response by more than one emergency response agency.

Unified Command: The method by which Local, State, and Federal agencies share the Incident Command functions in:

- Determining roles and responsibilities,
- Identifying the overall objectives for the management of an incident,
- Selecting a strategy to achieve those objectives, and
- Deploying resources to achieve objectives.

ATTACHMENT IA3-A: HAZMAT Incident Checklist

Lead Agency: Gresham Fire and Emergency Services

Phase of Activity	Action Items	Supplemental Information
PRE-INCIDENT PHASE	❑ **Have personnel participate in necessary training and exercises, as determined by Gresham Emergency Management, Fire Protection District, and the Multnomah County ESF.**	
	❑ **Participate in Gresham and Multnomah County preparedness activities, seeking understanding of interactions with participating agencies in HazMat scenario.**	
	❑ **Ensure that emergency contacts lists are updated and establish a pre-event duty roster allowing for 24/7 operational support for the Gresham EOC.**	
	❑ **Inform and update Gresham Emergency Management of any major developments that could adversely affect response operations (e.g., personnel shortages, loss of equipment, etc.).**	
RESPONSE PHASE	❑ **In many incidents, Gresham FES will initially respond, assume initial IC responsibilities, and request activation/deployment of HazMat3.**	*FA 1 of the City EOP*
	❑ **Determine the type, scope, and extent of the HazMat incident (*recurring*).** Verify reports and obtain estimates of the area that may be affected.	*ICS Form 209: Incident Status Summary*
	– Notify 9-1-1-dispatch, support agencies, adjacent jurisdictions, ESF coordinators, and liaisons of the situation.	
	– Assess the type, severity, and size of the incident. If possible, characterize the hazardous material(s) of concern and determine appropriate personal protection equipment requirements.	
	– Ensure that a health and safety plan is developed by the designated Safety Officer, including monitoring first responders in accordance with all applicable guidance.	
	❑ **Provide support for implementation of applicable Geographic Response Plans established by the Oregon DEQ to guide activities throughout the duration of the incident.**	*Northwest Area Contingency Plan (NWACP)*
	❑ **Ensure that proper containment methods have been implemented by the first responders until HazMat response teams arrive.**	
	❑ **Establish access control to the incident site through local law enforcement agencies.**	

Phase of Activity	Action Items	Supplemental Information
	❑ **If the situation warrants it, request activation of the Gresham or Multnomah County EOCs via the IC through the Gresham Emergency Management Director.**	*FA 1 of the City EOP*
	❑ **Activate the Gresham EOC, coordinate response activities among AOCs and ICPs, and establish IC or UC as appropriate.** Staffing levels vary with the complexity and needs of the response. At a minimum, the IC, all Section Chiefs, the Resource Coordinator, and management support positions may be necessary.	*FA 1 of the City EOP*
	❑ **If applicable, establish immediate gross decontamination capability for victims.**	
	❑ **Assess staffing levels of Response and EOC personnel and request appropriate support.**	
	❑ **Develop work assignments for ICS positions (*recurring*).**	
	❑ **Notify HazMat supporting agencies.**	*FA 1 of the City EOP*
	– Identify local, regional, and/or State agencies that may be able to mobilize resources to the City EOC for support.	
	❑ **Contact the OERS at 1-800-452-0311 for technical assistance and support in requesting the regional HazMat Team.** *Note: The primary regional HazMat response team, HazMat3, is located in Gresham.*	*OERS is available 24 hours a day.*
	❑ **Assign liaisons to the City EOC representing government agencies, private entities (e.g., railroad companies, chemical manufacturers, etc.), and other stakeholders.**	
	❑ **Develop and initiate shift rotation plans, including briefing of replacements during shift changes.** o Dedicate time during each shift to prepare for shift change briefings.	
	❑ **Confirm or establish communications links among primary and support agencies, the Gresham EOC, Multnomah County ECC, and the State ECC. Confirm operable phone numbers and backup communication links.**	*FA 1 of the City EOP*
	❑ **Ensure that all required notifications have been completed.** Consider other local, State, and Federal agencies that may be affected by the incident. Notify them of the status.	*FA 1 of the City EOP; Established emergency contact lists maintained at the City EOC*
	– For incidents occurring on State highways, ensure that ODOT has been notified.	
	– Contact appropriate key stakeholders and partners if the incident poses an actual or potential threat to State parks, recreational areas, historical sites, environmentally sensitive areas, tourist routes, or other designated areas.	

Phase of Activity	Action Items	Supplemental Information
	– If agricultural areas and livestock are potentially exposed or impacted, notify local extension services (Oregon State University), Oregon Department of Agriculture, and the State Veterinarian.	*ESF 11 Annex of the Multnomah County EOP*
	❑ **A lead PIO will be designated by the Incident Commander.** The PIO will issue information individually or through the JIC, if established, in coordination with appropriate local, regional, and State agencies.	*FA 1 of the City EOP*
	❑ **Manage and coordinate interagency functions.** Providing multi-agency coordination is the primary goal. Assimilate into a UC structure as dictated by incident.	
	❑ **Implement local plans and procedures for HazMat operations.** Implement agency-specific protocols and SOPs. Ensure that copies of all documents are available to response personnel.	*FA 1 of the City EOP* *Northwest Area Contingency Plan (02/05)*
	– For responses requiring assistance from the Oregon DEQ Regional Response Team, refer to the GRP applicable to the incident site and support procedures according to the Northwest Area Contingency Plan.	
	❑ **Obtain current and forecasted weather to project potential spread of the plume (*recurring*).**	*FA 1 of the City EOP*
	❑ **Based upon the incident size, type of chemical/substance, and weather projections, establish a safe zone and determine a location for an on-site staging and decontamination.** Re-evaluate as the situation changes.	
	❑ **Determine the need for implementing evacuation and sheltering activities (*recurring*).**	*FA 1 of the City EOP*
	❑ **Establish a victim decontamination and treatment area(s).**	
	❑ **Determine the need for additional resources and request as necessary through appropriate channels (*recurring*).**	*FA 1 of the City EOP*
	❑ **Submit a request for emergency/disaster declaration, as applicable.**	*Section 1.4.2 of the City EOP*
	❑ **Activate mutual aid agreements.** Activation includes placing backup teams on standby and alerting resource suppliers of both current and potential needs.	
	❑ **Coordinate resource access, deployment, and storage in the operational area.** Resources to coordinate include equipment, personnel, facilities, supplies, procedures, and communications. Track resources as they are dispatched and/or used.	*ICS Resource Tracking Forms* *FA 1 of the City EOP*

Phase of Activity	Action Items	Supplemental Information
	❑ **Develop plans and procedures for registering regional HazMat teams as they arrive on the scene and receive deployment orders.**	
	❑ **Establish the JIC, as needed.**	*FA 1 of the City EOP*
	❑ **Formulate emergency public information messages and media responses using "one message, many voices" concepts *(recurring)*.**	*FA 1 of the City EOP*
	– Public information will be reviewed and approved for release by the IC and the lead PIO before dissemination to the public and/or media partners.	
	❑ **Record all EOC and individual personnel activities (*recurring)*.** All assignments, person(s) responsible and significant actions taken should be documented in logbooks.	*EOC Planning Section job action guide*
	❑ **Record all incoming and outgoing messages (*recurring*).** All messages, and the identity of the person sending or receiving them, should be documented as part of the EOC log.	
	❑ **Develop and deliver situation reports (*recurring*).** At regular intervals the IC/EOC Director and staff will assemble a Situation Report.	
	❑ **Develop an IAP (*recurring*).** This document is developed by the Planning Section and approved by the IC. The IAP should be discussed at regular intervals and modified as the situation changes.	*ICS Form 202: Incident Objectives*
	❑ **Implement objectives and tasks outlined in the IAP (*recurring*).**	
	❑ **Coordinate with private sector partners as needed.**	
	❑ **Ensure that all reports of injuries, deaths, and major equipment damage due to HazMat incidents are communicated to the IC and/or Safety Officer.**	
	❑ **As applicable, clean-up activities will most likely be conducted by private contractors and coordinated among the City EOC, the responsible party (if known), and the Oregon DEQ.**	

Phase of Activity	Action Items	Supplemental Information
RECOVERY/ DEMOBILIZATION PHASE	❑ **Ensure an orderly demobilization of emergency operations in accordance with current demobilization plans.**	*FA 1 of the City EOP*
	❑ **Consider long-term environmental decontamination and remediation needs and coordinate tasks with the appropriate State agencies and/or private sector partners.**	
	❑ **Release mutual aid resources as soon as possible.**	
	❑ **Conduct a post-event debriefing to identify success stories, opportunities for improvement, and development of the After Action Report/Improvement Plan.**	
	❑ **Deactivate/demobilize the City EOC.**	
	❑ **Correct response deficiencies reflected in the Improvement Plan.**	
	❑ **Submit valuable success stories and/or lessons learned to the Lessons Learned Information Sharing website (www.llis.gov)**	

4

IA 4 – Flood

I. SITUATION

II. CONCEPT OF OPERATIONS

III. ROLES & RESPONSIBILITIES
Lead Agency
Department of Environmental Services
Army Corps of Engineers

IV. SUPPORT AGENCIES
Law Enforcement
Fire Department
Multnomah County Health Department
American Red Cross
Metro
Utility Companies
Transportation

V. EMERGENCY OPERATIONS CENTER

ATTACHMENT IA4-A: Flood Incident Checklist

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Flood Annex

Address the hazard-unique procedures and methods the jurisdiction uses to prepare for and respond to flood emergencies/disasters.

I. Situation

Floods are the most common and widespread of all-natural disasters except fire. Nearly nine of every ten Presidential disaster declarations result from natural phenomena in which flooding was a major component.

Gresham/East Multnomah County has a history of slow-rise flooding along the Columbia River and along Johnson, Beaver, Kelly, Fairview, and Burlingame Creeks. Localized flooding can also be caused by failure of drainage systems. The most severe instance of flooding in recent memory occurred in February 1996.

The National Weather Service's River Forecast Center is responsible for alerting and warning the public when rainfall or melting snow is projected to cause rivers to overflow their banks. Flood Warnings are forecasts of impending floods and are distributed to the public by radio and television and through local government. The warning message indicates the expected severity of flooding (minor, moderate, or major); the affected river; and the time and location of the expected flooding. In addition to direct warning via weather radio or broadcast media, flood warnings may also be received via Law Enforcement Data System in Police Records.

Gresham participates in the National Flood Insurance Program and conducts land development in accordance with its guidelines. The Community Development Division maintains flood insurance rate maps that show the anticipated levels of a hundred-year flood event (100-year flood plain).

II. Concept of Operations

The Lead Agency for a flood incident within the City of Gresham is the Department of Environmental Services (DES).

In a major flood event involving the Columbia River, the Army Corps of Engineers is the lead agency.

These agencies have initial response and incident command responsibility for all flood-related activities, which may include: sandbag operations, evacuation, emergency shelters, and debris removal.

During routine (Level 1) emergencies, City departments will manage flooding incidents using their own internal resources and mutual aid agreements. During Level 2 and Level 3 flood emergencies, all departments will, within their capabilities, make personnel and equipment resources available to the IC.

III. Roles and Responsibilities

A. Lead Agency: Department of Environmental Services

- Coordinate all flood-related public works activities for the City.
- Remove debris from storm drains, bridge viaducts, and main transportation routes
- Coordinate Local Debris Removal Coordinator activities including:
  - Debris cleanup priorities,
  - Public information regarding debris removal and pick-up, and
  - Location of drop box placement and voucher distribution.
- Maintain traffic access to critical facilities where public safety and well being may be at risk.
- Provide assistance to the Damage Assessment team.
- Coordinate emergency operations with utility providers.
- Place barricades where needed to ensure public safety

B. Supporting Agencies

1. Police
   - Provide traffic control, search and rescue, evacuation, and site security.
   - Report situation status and damage assessment.
   - Coordinate issues pertaining to law enforcement.
2. Fire and Emergency Services
   - Provide emergency medical treatment to flood victims.
   - Provide boat rescue when possible.
3. American Red Cross
   - Provide emergency food and water for victims.
   - Activate and operate emergency shelters as needed.
4. Multnomah County Health
   - May need to arrange for potable water supplies to affected areas.
   - May need to provide for mass immunization against a variety of illnesses caused by impure water.
   - May need to arrange for the safe disposal of diseased animal carcasses.

5. METRO
   - Metro is responsible for the solid waste disposal of debris created by flooding and other natural disasters. (A copy of the Regional Disaster Debris Management Plan is available in the EOC.)

C. Community Support

1. **Utilities.** The following community response partners will have key roles in repairing and restoring electric power, natural gas, water, sewer, and telephone systems in the event of a major flood or other disaster.

   - Power – Portland General Electric.

   - Gas – Northwest Natural Gas and William's Pipeline.

   - Water –Interlachen Water Peoples Utility District, Lusted Water District, Bureau of Hydroelectric Power, Portland Water Bureau, Butler Road Community Water System, DES Water, Cities of Troutdale, Wood Village, and Fairview, Portland Metropolitan Area Transportation Cooperative, and Rockwood Water Public Utility District.

   - Telephone – Verizon, Sprint/Nextel.

2. **Transportation.** Sources of emergency transportation may include Tri-Met, school buses, the Oregon Department of Transportation (ODOT), Multnomah County Transportation, Clackamas County Transportation, Cooperative Public Agencies of Washington County, 4-wheel drive clubs, private boats, and (under a declared emergency) the National Guard.

D. EMERGENCY OPERATIONS CENTER
At the recommendation of the City Manager, IC, or Emergency Management, the EOC may be activated. The IC is responsible for response to, and recovery from, flooding emergencies in Gresham. This includes:

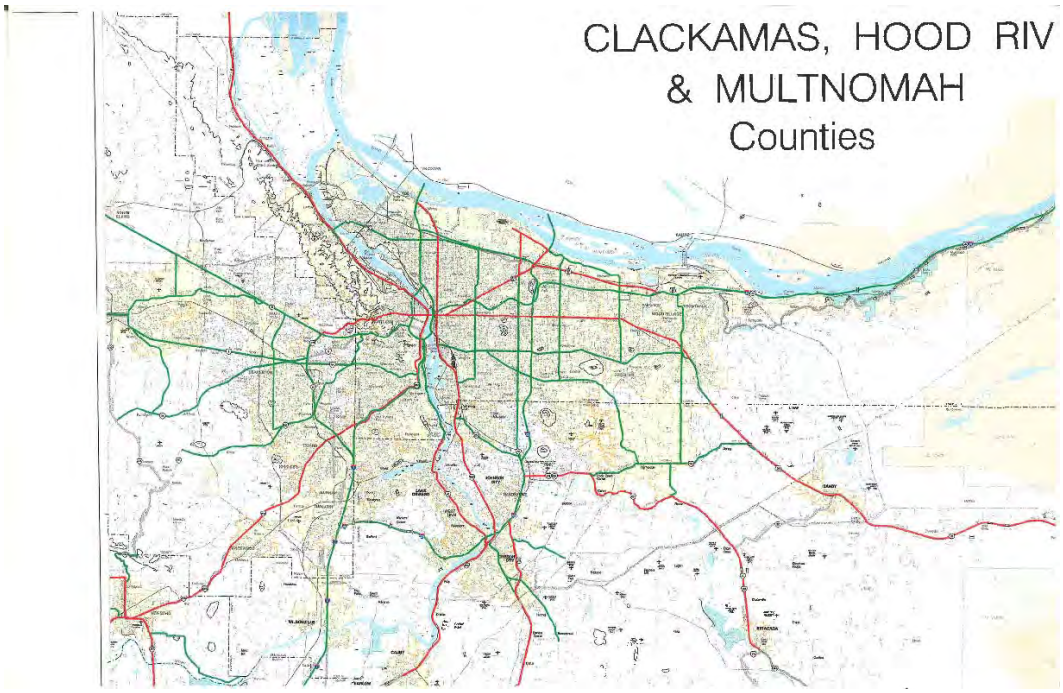
   - Determining the severity of the flood situation by obtaining Situation Reports (SITREPS) from the Plans Section, monitoring damage reports, and coordinating with the National Weather Service;

   - Coordinating volunteer efforts in sandbagging and other activities to prevent or mitigate flood damage;

   - Identifying ETRs to be used by first responders and prioritizing the repair and restoration of specific routes based on incident need. ETRs are discussed under transportation emergencies, III-F

- Determining evacuation requirements and coordinating all associated actions; and

- Recommending an emergency declaration, if warranted.



ATTACHMENT IA4-A: Flood Incident Checklist

Lead Agency: Gresham Department of Environmental Services

Phase of Activity	Action Items	Supplemental Information
PRE-INCIDENT PHASE	❑ **Arrange for personnel to participate in necessary training and develop exercises relative to flood events.**	
	❑ **Coordinate Gresham preparedness activities, seeking understanding of interactions with participating agencies in flooding scenarios.**	
	❑ **Ensure emergency contact lists are updated and establish a pre-event duty roster allowing for 24/7 operational support to the City EOC.**	
	❑ **Contact supporting emergency response agencies to review and determine if major developments have arisen that could adversely affect response operations (i.e., personnel shortages, loss of equipment, etc.).**	*Local, regional, and State-specific plans*
	❑ **Annually review and update Emergency Operations Plan and SOPs, as needed.**	*City EOP, Annexes, and agency-specific SOPs*
	❑ **Review flood-prone areas.**	*Multnomah County Hazard Mitigation Plan*
	❑ **Familiarize staff with requirements for requesting State and Federal Disaster Assistance.**	*Stafford Act, FEMA guidance, and Oregon EMP*
	❑ **Ensure that supplies such as communications devices and sandbags are prepared and ready for use. This includes primary and alternate communications and warning systems.**	*FA 1 of the City EOP*
	❑ **Identify and review local contractor lists to see who may provide support specific to flood response.**	
	❑ **Review, revise, and, where necessary, establish mutual aid agreements with other City agencies and private contractors relative to multiple agency response to floods.**	
RESPONSE PHASE	❑ **Emergency Management Director will provide overall guidance for the deployment of resources.**	
	❑ **Activate mutual aid agreements.**	
	❑ **Activate the City EOC and implement appropriate staffing plans. Contact appropriate private partners to assign liaisons to the EOC for coordination of specific response activities.**	*Section 5 of the City EOP, agency and company-specific plans*
	❑ **Estimate emergency staffing levels and request personnel support, including specialized staff such as engineers, building inspectors, heavy equipment operators, and/or environmental remediation contractors.**	
	❑ **Develop and initiate shift rotation plans, including briefing of replacements during shift changes.**	*SOPs and command structure for City EOC*
	❑ **Submit request for disaster/emergency declaration, as applicable.**	*Section 1.4.2 and Appendix A of City EOP*

Phase of Activity	Action Items	Supplemental Information
	❑ **Coordinate the evacuation of the affected area, if necessary. Assign appropriate agency liaisons to the City EOC, as situation requires.**	*FA 1 of the City EOP*
	❑ **Support Search and Rescue operations by coordinating resource requests outside of the jurisdiction.**	*FA 1 of the City EOP*
	❑ **Request American Red Cross to activate sheltering plans and open/staff shelters, if needed.**	*American Red Cross Shelter Plans*
	❑ **Establish a JIC.** - Formulate emergency public information messages and media responses using "one voice, one message" concepts.	*FA 1 of the City EOP*
	❑ **Record all EOC activities, completion of personnel tasks, and incoming and outgoing messages.** - These should be documented in EOC logbooks.	*Existing ICS and EOC forms*
	❑ **Begin damage assessments in coordination with the Public Works Department and County/local government.**	*FA 3 of the City EOP*
	❑ **Assist with the coordination of Public Works activities, such as debris removal from:** - **Storm Drains** - **Bridge viaducts** - **Main arterial routes** - **Public rights-of-way** - **Dams (via established liaisons at the County EOC)** - **Other structures, as needed**	*FA 3 of the City EOP*
	❑ **Contact local contractors for support, if necessary. Establish contact with private sector partners and/or dam operators (if the flood is associated with dam failure or malfunction).**	*Existing contact lists at EOC*
	❑ **Coordinate with Gresham Police Departments, Multnomah County Sheriff's Office, and other local police departments to provide law enforcement to affected areas (curfew enforcement, road closures, security, etc.).**	*FA 1 of the City EOP*
	❑ **Collect and chronologically file records and bills generated during the incident to ensure timely submittal of documents for reimbursement.**	

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IA 5 – Fire Emergencies

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IV. NATIONAL INTERAGENCY COORDINATION CENTER

V. FIRE WEATHER

ATTACHMENT IA5-A: Gresham Emergency Communications Diagram

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Wildfire Annex

Address the hazard-unique procedures and methods the jurisdiction uses to prepare for, and respond to, wildfire emergencies/disasters.

I. SITUATION

Gresham has the potential to experience both large structural and urban/wildland fire incidents caused by natural events such as earthquakes or lightning or by human-caused events such as arson. Most wildland fire response in East Multnomah County is the responsibility of State and Federal agencies.

Gresham Fire and Emergency Services provides contracted support to the cities of Troutdale, Fairview, and Wood Village.

This section provides information and guidance for emergency response to a major fire incident in the area serviced by Gresham Fire and Emergency Services.

II. CONCEPT OF OPERATIONS

Planning and preparedness for structural and wildland interface fires is the responsibility of Gresham Fire and Emergency Services. In addition to conducting their own operations during fire incidents, they support other fire regional fire agencies and districts through an extensive network of mutual aid programs.

All fire agencies use the Incident Command System (ICS) to manage fire suppression and HazMat operations.

The Gresham Fire Incident Commander (IC) may activate all or selected elements of the Emergency Operations Center (EOC) to support fire suppression activities, such as logistics support, evacuation, Red Cross liaison, public information, etc.

The Conflagration Act is a plan of action to bring together Federal, State, and local fire suppression resources in the event of a major structural or wildland fire incident. All participants operate using a coordinated ICS structure under pre-arranged agreement. A copy of the Conflagration Act is available at Gresham Fire and Emergency Services.

III. ROLES AND RESPONSIBILITIES

A. Gresham Fire will:

- Plan and train for responding to structural and wildland fires;
- Establish and maintain mutual aid agreements with adjoining fire agencies and districts;

- Establish procedures for the Fire Chief or designated representative to request (through the Multnomah County Fire Defense Board) that the Conflagration Act be invoked;

- Issue fire warnings and related information through the public information officer (PIO), or the EOC PIO, if activated.

- Notify Gresham Emergency Management of any major fire situation that may require activation of this plan.

- Determine the need for evacuation and coordinate implementation with appropriate law enforcement and transportation agencies.

B. Gresham Emergency Management will:

- Assist in providing EOC staff support to the IC, as requested;
- Coordinate temporary lodging, food, and shelter needs with the American Red Cross, as requested by the IC; and
- Assist in EOC activation if requested.

C. Multnomah County Fire Defense Board will:

- Respond promptly to requests to invoke the Conflagration Act.

D. Oregon Trail Chapter, American Red Cross, will:

- Provide temporary lodging, food, and shelter to Gresham citizens displaced by a fire;
- Activate and manage shelter operations as needed; and
- Provide disaster mental health services as required.

IV. NORTHWEST INTERAGENCY COORDINATION CENTER

The Northwest Interagency Coordination Center (NICC), located in Portland, provides centralized coordination and dispatching of all wildland agency fire resources in Oregon and Washington. Contact numbers for key wildland fire agencies are given below:

Northwest Interagency Coordination Center	503-808-2720
BLM-Oregon State Office	503.326.6749
USDA Forest Service Regional Office	503.326.2931
Mount Hood National Forest	503.667.6410
Oregon Department of Forestry	503.378.2373
Oregon Fire Marshal	503.378.3473

Resources available through wildland agencies include aerial retardants, communications equipment, engines, infrared detection, and trained fire crews and ICS personnel.

V. FIRE WEATHER

During the summer months, the National Weather Service provides detailed daily fire weather forecasts to wildland fire agencies. In addition, the Portland Office of the National Weather Service can provide special, incident-specific weather forecasts or on-site forecasting to aid fire personnel. To request a special weather forecast, contact the National Weather Service in Portland (503.326.2356).

ATTACHMENT IA5-A: Fire Incident Checklist

Lead Agency: Gresham Fire and Emergency Services

Phase of Activity	Action Items	Supplemental Information
PRE-INCIDENT PHASE	❑ **Arrange for personnel to participate in necessary training and exercises, as determined by Gresham Emergency Management and Fire Protection District.**	
	❑ **Participate in Gresham preparedness activities, seeking understanding of interactions with participating agencies in a major fire scenario.**	
	❑ **Ensure that emergency contact lists are current and establish a pre-event duty roster allowing for 24/7 operational support to Gresham EOC.**	
	❑ **Inform Gresham Emergency Management of any major developments that could adversely affect response operations (i.e., personnel shortages, loss of firefighting equipment, etc.).**	
RESPONSE PHASE	❑ **Activate the City EOC and establish Incident Command or Unified Command, as appropriate.** Staffing levels vary with the complexity and needs of the response. Follow activation procedures and staffing levels as prescribed by the IC.	*Section 5 of the City EOP, agency and company-specific plans*
	❑ **Estimate emergency staffing levels and request personnel support.**	
	❑ **Develop work assignments for ICS positions (*recurring*).**	*ICS Form 203-Organization Assignment List*
	❑ **Notify supporting fire services agencies.**	*FA 1 of the City EOP*
	- Identify local, regional, and/or State agencies that may be able to mobilize resources and staff to the City EOC for support.	
	❑ **Determine scope and extent of fire (*recurring*).** Verify reports and obtain estimates of the area that may be affected.	*ICS Form 209-Incident Status Summary*
	- Notify command staff, support agencies, adjacent jurisdictions, coordinators, and/or liaisons of any situational changes.	
	❑ **Develop and initiate shift rotation plans, including briefing of replacements during shift changes.**	
	- Dedicate time during each shift to prepare for shift change briefings.	*ICS Form 201-Incident Briefing.*
	❑ **Confirm or establish communications links among City EOC, County ECC, and other Operations Centers in the area, as applicable. Confirm operable phone numbers and verify functionality of alternative communication equipment/channels.**	*FA 1 of the City EOP*
	❑ **Ensure that all required notifications have been completed.** Consider other local, County, regional, State, and Federal agencies that may be affected by the incident. Notify them of the status.	*FA 1 of the City EOP; Established emergency contact lists at the City EOC*

Phase of Activity	Action Items	Supplemental Information
	❑ **Fire Chief assumes duties to direct resources for fires within the City.** In the event of multiple fire agencies responding to the incident, the Multnomah Fire District Defense Board Chief, acting as the Fire Services Coordinator, will be integrated into the Operations Section of the County EOC.	*FA 1 of the City EOP*
	❑ **Manage and coordinate interagency functions.** Providing multi-agency coordination is the primary goal. Assimilate into a Unified Command structure if scope of response increases.	
	❑ **Implement local plans and procedures for fire operations.** Ensure that copies of the following documents are available to response personnel. Implement agency-specific protocols and SOPs.	*Agency-specific SOPs*
	❑ **Obtain current and forecasted weather to project potential spread of the fire (*recurring*).**	
	❑ **Determine the need to conduct evacuations and sheltering activities (*recurring*).**	*FA 1 of the City EOP*
	❑ **Determine the need for additional resources and request as necessary through appropriate channels (*recurring*).**	*FA 1 of the City EOP*
	❑ **Submit request for a local or County-wide disaster/emergency declaration, as applicable.**	*Section 1.4.2 of City EOP*
	❑ **Activate mutual aid agreements.** Activation includes placing backup teams on standby and alerting resource suppliers of both current and potential needs.	
	❑ **Coordinate resource access, deployment, and storage in the operational area.** Resources to coordinate include: equipment, personnel, facilities, supplies, procedures, and communications. Track resources as they are dispatched and/or used.	*ICS Resource Tracking Forms; FA 1 of the City EOP*
	❑ **Develop plans and procedures for registration of task fire forces/strike teams as they arrive on scene and receive deployment orders.**	
	❑ **Establish a JIC.**	*FA 1 of the City EOP*
	❑ **Formulate emergency public information messages and media responses utilizing "one message, many voices" concepts (*recurring*).**	
	- Public information focusing on fire prevention, control, and suppression will be reviewed by the Fire Chief or designee. Information will be approved for release by the IC and Lead PIO prior to dissemination to the public.	*FA 1 of the City EOP*
	❑ **Document all relevant EOC and individual personnel activities (*recurring*).** All assignments, person(s) responsible, and actions taken should be documented in logbooks. ICS-214	*EOC Planning Section job action guide*
	❑ **Record all incoming and outgoing messages (*recurring*).** All messages, and the person sending/receiving them, should be documented as part of the EOC log.	
	❑ **Produce situation reports (*recurring*).** At regular periodic intervals, the EOC Director and staff will assemble a Situation Report.	

Phase of Activity	Action Items	Supplemental Information
	❑ **Develop an Incident Action Plan (*recurring*).** This document is developed by the Planning Section and approved by the IC. The IAP should be discussed at regular intervals and modified as the situation changes.	*ICS Form 202 – Incident Objectives*
	❑ **Implement objectives and tasks outlined in the IAP (*recurring*).**	
	❑ **Coordinate with the private sector partners as needed.**	
RECOVERY/ DEMOBILIZATION	❑ **Ensure that all reports of injuries, deaths, and major equipment damage due to fire response are communicated to the IC and/or Safety Officer.**	
	❑ **Ensure an orderly demobilization of emergency operations in accordance with current demobilization plans.**	
	❑ **Release mutual aid resources as soon as possible.**	
	❑ **Activate and implement applicable mitigation plans, community recovery procedures, and continuity of operations/government plans until normal daily operations can be completely restored.**	*FA 1 of the City EOP; Agency recovery plans*
	❑ **Conduct post-event debriefing "Hot Wash" to identify success stories, opportunities for improvement, used in the development of the After Action Report/Improvement Plan.**	
	❑ **Deactivate/demobilize the City EOC.**	*FA 1 of the City EOP*
	❑ **Prepare the After Action Report and implement revisions to the Gresham EOP and supporting documents based on lessons learned and best practices adopted during response.**	
	❑ **Correct response deficiencies reflected in the After Action Report/Improvement Plan.**	
	❑ **Submit valuable success stories and/or lessons learned to the Lessons Learned Information Sharing website (www.llis.gov)**	

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IA 6 – Transportation Emergencies

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V. I-84 INCIDENTS

VI. AVIATION INCIDENTS

VII. RAIL INCIDENTS

VIII. PUBLIC INFORMATION

IX. RESUMING TRAFFIC FLOW

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I. SITUATION

The need may arise for Gresham to respond to transportation emergencies on state, county, and city surface routes; a major Union Pacific rail route along the Columbia River Gorge; a light rail commuter route; and air traffic routes to and from one major and one regional airport. In addition, there is a potential for water transportation incidents on the Columbia River, which flows along Gresham's northern boundary. Most transportation incidents are traffic accidents caused by human factors, often exacerbated by winter weather conditions (ice, snow, rain, and wind).

Responder and public safety are paramount during transportation emergencies. Incident Action Plans should facilitate early restoration of the route and safe movement of traffic in/around the incident area.

This annex describes roles and responsibilities for transportation incidents in Gresham and establishes procedures for multi-agency support and coordination. A major transportation incident in Gresham/East Multnomah County may affect multiple jurisdictions and agencies. Information and guidelines in this annex can be applied to any transportation emergency, including those involving Hazardous Materials, Mass Casualties, or other operational requirements covered in this plan. When that occurs, the Incident Commander (IC) will need to cross-reference the appropriate annexes. Procedures in this plan enhance normal operating protocols used by participating agencies and build on the coordination and mutual aid used in day-to-day operations.

II. CONCEPT OF OPERATIONS

During routine (Level 1) emergencies, City Departments will manage transportation incidents using their own internal resources and mutual aid agreements. During Level 2 and Level 3 emergencies, all City Departments will, within their capabilities, make personnel and equipment resources available to the IC.

Depending on the nature and scope of the incident, a State or Federal agency may assume responsibility for the incident site, accident investigation, clean-up, etc. Unless a State or Federal agency assumes incident command responsibility, the Gresham IC is in charge. If the IC is transferred, Gresham will operate in a supporting role until the incident is terminated.

III. ROLES AND RESPONSIBILITIES

THE INCIDENT COMMANDER

The IC is responsible for incident response to, and recovery from, a transportation emergency. This includes:

- Determining the extent and duration of route closure due to incident activities;
- Identifying routes to be used by emergency responders;
- Designating detour and alternative routes to be used by the public;
- Identifying specific traffic control needs and locations;
- Coordinating traffic control responsibilities and resource requirements with transportation and law enforcement agencies;
- Developing a public information plan and communicating with media representatives; and
- Resuming normal traffic flow as soon as incident conditions permit.

MULTNOMAH COUNTY (TRANSPORTATION)

Multnomah County's Department of Transportation, located at 1600 SE 190th Avenue (between Stark Street and Division Street), has primary responsibility for County roads in East Multnomah County. In addition, Multnomah County maintains main arterials and collector streets, under contract with the City of Gresham, with the exception of Powell Boulevard. An extensive network of mutual aid and maintenance agreements between the County and Public Works agencies of the East Multnomah County cities is used day-to-day to share maintenance responsibilities and to optimize resources. The County primarily operates on the KOE 808 (very high frequency [VHF] system) with limited 800-megahertz (MHz) system capabilities.

MULTNOMAH COUNTY (SHERIFF'S OFFICE)

The Multnomah County Sheriff's Office (MCSO), located at 12240 Northeast Glisan Avenue, shares responsibility with City Police Departments for law enforcement and incident response on surface routes in East Multnomah County and provides assistance to the Coast Guard for water incidents on the Columbia River. The MCSO operates on the 800-MHz system.

EAST COUNTY CITIES

Public Works agencies in the incorporated cities have primary responsibility for maintenance and incident response on routes within their jurisdictions, as modified by mutual agreement with the Oregon Department of Transportation (ODOT) and the County.

- Fairview Public Works operates from a location on 48 First Street in Fairview and operates on the 800-MHz net and Nextel.

- Gresham Public Works operates from its Operations Center on Southeast Hogan Road. The Department of Environmental Services (DES) operates using Nextel communications and limited 800-MHz network and 50-MHz radios.

- Troutdale Public Works operates from a location on 342 Southwest 4th Street in Troutdale and operates on 154.9950 MHz.

- Wood Village Public Works operates from a location on 2055 Northeast 238th Drive in Wood Village and uses VHF radios.

PORT OF PORTLAND

The Port of Portland administers Troutdale, Portland, and Hillsboro airports and has an Emergency Management Coordinator located at Portland International Airport (PDX).

- Troutdale Airport (located along the Columbia River) is a regional airport with primarily general aviation and limited commercial air traffic. The control tower has access to 800-MHz communications with East Multnomah County responders.

- East Multnomah County lies directly under the primary approach/departure routes for PDX. PDX is a major international airport, heavily used by commercial passenger and cargo air traffic. The Port's Emergency Operations Center (EOC) at PDX is accessible through the 800-MHz net.

TRI-MET

Tri-met public transportation system operates light rail and bus transit services for East Multnomah County.

UNION PACIFIC

Union Pacific Railroad operates a dual-track rail line along the Columbia River Gorge. Traffic includes Burlington Northern and Southern Pacific freight and passenger trains.

OREGON DEPARTMENT OF TRANSPORTATION

ODOT Region 1 has primary responsibility for state and federal highways in East Multnomah County, including incident response and recovery. The Region Traffic Management Operations Center, located in downtown Portland, monitors road, traffic, and weather conditions on ODOT routes throughout the East Multnomah County area, and has dispatch authority over state maintenance and incident response crews. There are two Region 1 Maintenance Districts operating in East Multnomah County.

- ODOT District 2B (located on Lawnfield Road in Clackamas) has maintenance responsibility and incident authority for Routes 30 and I-84 from the Sandy River west.

- ODOT District 2C (located at the Troutdale Airport) is responsible for Routes 30 and I-84 east of the Sandy River, and for all of Route 26 within East Multnomah County.

- A map illustrating specific route responsibilities for each District and Section is available in the EOC and in the Emergency Management Office.

- ODOT operates an extensive VHF radio net in East Multnomah County, as well as cell phones, but has limited 800-MHz capability.

ODOT also has functional responsibility for air and rail incidents within the state, including East Multnomah County.

IV. EMERGENCY TRANSPORTATION ROUTES

Metro jurisdictions have pre-identified Emergency Transportation Routes (ETR) in the event of a major catastrophe. These routes identify key streets and highways needed for emergency response and for enabling access to critical facilities during the first 72 hours of disaster operations. A Metro ETR map is available in the EOC and in the Emergency Management Office.

ICs can designate emergency route priorities based on specific incident needs. Once priority ETRs are established, every effort is made to coordinate clearing and restoration activities by participating jurisdictions.

V. I-84 INCIDENTS

ODOT will provide mobile message boards to convey incident information to the public during traffic emergencies on state highways in East Multnomah County. If personnel and equipment resources permit, these message boards will also be available during major traffic incidents on county and local routes.

A. During emergencies requiring the closure of I-84 Eastbound and rerouting of traffic, three detour routes have been established. An ODOT message board will be positioned prior to Exit 13 (181st Street) advising eastbound traffic that the freeway is closed ahead and to exit at the 181st, 207th, or Troutdale ramps.

   - Traffic exiting at 181st will proceed South to Burnside and turn left to continue eastbound. Burnside eventually becomes Highway 26, the primary alternate route across the Cascades when I-84 is closed.

- Traffic exiting at 207th will be directed by detour signs to turn left at Glisan Street where 207th ends. Traffic will continue eastbound on Glisan to 242nd, turn right, and follow detour signs to join Burnside eastbound until the merge with Highway 26.

- Although Troutdale is not the best detour exit, it will provide access to Highway 26 via 257th/Kane Road. It also has a number of hotels and restaurants for those who may want to wait out the I-84 closure.

- ODOT will also close the exit ramp at 238th Street to prevent traffic from building up in this area.

B. For I-84 closures westbound, ODOT will position a reader board prior to the Troutdale exit, advising motorists that the freeway is closed ahead and to exit at Troutdale or 207th.

- Traffic exiting at Troutdale will be directed by detour signs to proceed to Marine Drive in order to continue in a westbound direction.

- Traffic exiting at 207th will be directed by detour signs to proceed to Halsey Street and head west from there.

C. There are numerous I-84 closure/detour scenarios possible, and the IC is the final authority for identifying and coordinating detour routing appropriate for each specific incident.

VI. AVIATION INCIDENTS

The National Transportation Safety Board (NTSB) is responsible for accident investigation on all aircraft providing services to the general public and on selected surface transport accidents. The Federal Aviation Administration (FAA) normally assists the NTSB in accident investigation. The Port of Portland will provide liaison with investigating agencies and should be notified immediately of any aviation-related accident.

NTSB tries to be on the scene of a major accident as soon as possible after its occurrence. In minor accidents, the FAA may respond to the scene instead of the NTSB. If the incident involves chemicals, the Federal Chemical Safety Board will respond and assist the NTSB.

While none of the investigative agencies has authority to direct emergency services during the rescue phase, they do have authority over the removal of bodies and debris.

INCIDENT SCENE SECURITY

Accident investigation is heavily dependent on preservation of the accident scene, and everything at the incident site should be maintained in as close to impact

condition/location as possible. Law enforcement authorities should secure the accident scene as soon as possible.

When responding to and securing the scene of a transportation accident, the following steps should be considered:

- Bodies should not be removed until the investigation is conducted. If bodies must be moved prior to the arrival of investigators (to effect a live rescue, for example), identify the victim, and mark the exact position in which the body was found. The location and position of bodies may be valuable clues to the cause of the accident. Assign a photographer to document the accident scene and the location of bodies prior to their removal.

- Mark any cuts or tears in metal or other materials made by responders in the rescue phase, in order to differentiate them from those that were caused by the accident itself.

- Protect the scene from "souvenir" hunters. This may require lighting the scene at night to ensure a secure perimeter.

DEBRIS REMOVAL

Debris should only be removed by, or under the direction of, NTSB or FAA investigators. ICs must contact the NTSB prior to allowing movement of bodies or aircraft wreckage. The only exception is to protect lives and prevent injury.

VII. RAIL INCIDENTS

Rail incidents often are caused either by collision with vehicles at road/rail crossings or by derailment. There is a potential for spillage from containers or leaks from tank cars or trucks, which can cause a rail or traffic incident to rapidly expand. Cross-jurisdiction, multi-agency response and recovery operations combining local, State, Federal, and railroad efforts are common in such incidents. ICs are encouraged to establish a Unified/Area Command and a Joint Information Center (JIC) to deal with rail incidents.

VIII. PUBLIC INFORMATION

The demand for information, from both the media and citizens concerned about the cause of the incident and the status of victims, will be high during initial response and post-rescue operations. The IC should quickly establish a JIC as a single focal point for coordinating and releasing public information. JIC membership should include representation from all major agencies involved in the incident, such as spokespersons from impacted jurisdictions, Legacy Mt. Hood Medical Center, County Health, Port of Portland, airline, NTSB/FAA, Union Pacific, law enforcement, and regional and State agency representatives.

Information officers need to take special care to provide accurate, up-to-date information to the friends and families of victims. It is advantageous to direct them to a central location where information can be shared as soon as it becomes available and where they can be protected from the media. This will also facilitate providing crisis and trauma counseling services.

IX. RESUMING TRAFFIC FLOW

Extended use of detours or alternate routes during incidents increases the likelihood of secondary accidents. As soon as possible after safety needs and investigative requirements have been met, the IC should initiate immediate coordination for re-opening routes closed or restricted as a result of an incident. Traffic flow may be resumed incrementally, one lane at a-time if necessary, to accommodate safe site clean-up and emergency repairs.

Ensure that all affected agencies are advised of the recovery plan (location, sequence, and timing) for resuming normal traffic flow. Confirm that all blockades, barriers, and signage are removed from affected routes and that the media has been informed.

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IA 7 – Civil Disturbance

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I. SITUATION

Information concerning acts of civil disturbance may come from a variety of sources, including local, State, and Federal law enforcement agencies; the media; informants; and the direct statements of organizations or persons intending to engage in such activities.

II. CONCEPT OF OPERATION

Each incident of civil disturbance is unique and requires flexibility on the part of the responding agencies. Responses may vary from the simple monitoring of information and activity to an activation of the Special Emergency Response Team (SERT). As in other emergencies, the selection of the strategy and tactics for such incidents is the responsibility of the Incident Commander (IC).

In many instances, intelligence gathered by law enforcement agencies will allow sufficient prior warning to allow for the development of plans specific to the anticipated activities. For instances where sufficient planning time is not available, law enforcement agencies operate under their established Standard Operating Procedures/Guidelines and/or mutual aid agreements.

For a civil disturbance incident in Gresham, the IC will normally be a senior Gresham Police Officer. However, a Unified Command among participating Law Enforcement agencies may also be implemented.

Information and instructions for the public during a civil disturbance activity is the responsibility of the Gresham Police Department (PD) spokesperson/Emergency Operations Center (EOC) Public Information Officer (PIO) under direct approval of the IC.

Law enforcement agencies continuously gather and share intelligence regarding potential civil disturbance activities. Should intelligence sources indicate that civil disturbance activity in the city is imminent, the Gresham PD will coordinate response activities (requesting additional resources, EOC activation, etc.).

III. ROLES & RESPONSIBILITIES

A. Gresham Police Department

The Gresham PD will gather and share (as appropriate) information regarding the potential for civil disturbance activities with the following agencies:

Multnomah County Sheriff's Office
Portland Police Bureau
Oregon State Police
Fairview Police Chief
Troutdale Police Chief
Gresham Fire and Emergency Services

Gresham Emergency Management

Information may be further disseminated based upon the nature of the intelligence and the potential need for other supporting agencies to become involved in the response to such activities.

The Gresham PD will identify and continually assess persons and facilities within the city that are likely to be targets of violence and make recommendations to improve security to safeguard lives and property.

The Gresham PD will provide security for City officials whenever they are specifically identified as potential targets.

B. Incident Commander

The IC will:

- Develop strategy and tactics for the incident.
- Determine any requirements for activation of the EOC.
- Ensure that all potentially impacted agencies are notified of the threat.

C. All City Departments

Will promptly inform the Gresham PD of any known threat to City employees or City facilities.

D. Fire and Emergency Services

Upon receipt of a warning from the Gresham PD, the Fire and Emergency Services Department (FES) will alert appropriate personnel to assist in incident planning and response operations. This may include:

- Coordination with various law enforcement and other agencies to develop evacuation and emergency routes;
- Assignment of fire and arson investigators;
- Repositioning of equipment; and
- Assessment of current staffing levels and shifts.

E. Department of Environmental Services

Upon receipt of a warning from the Gresham PD, the DES will alert appropriate personnel to assist in incident planning and response operations. This may include:

- Coordination with various law enforcement and other agencies to develop evacuation and emergency routes; and
- Repositioning of equipment and assessment of current staffing levels and shifts.

F. Emergency Operations Center Staff

EOC staff will support planning and response to a civil disturbance, as requested by the IC. This may include full or selective EOC activation.

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IA 8 – Terrorism

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ATTACHMENT IA8-A: Terrorism Incident Checklist

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Terrorism

The City of Gresham has identified the following list as possible targets of a terrorist attack:

- Boeing Company
- Microchip Technology, Inc.
- On-Semiconductor Corporation
- Tri-Met/Max busses and light rail, and
- Large public gatherings.

Resources that have been identified to respond to a terrorist attack include:

- Hazardous Materials Team 3(HazMat 3) (Gresham Fire and Emergency Services)
- Special Emergency Response Team (SERT) (Special Weapons and Tactics [SWAT], Explosive Disposal Unit, Crisis Negotiations Team);
- Metro Explosive Disposal Unit;
- Portland Police Bureau;
- Oregon State Police;
- Troutdale Police; and
- Fairview Police.

Training
The City of Gresham Police Department (PD), in cooperation with Gresham Emergency Management, will facilitate and participate in weapons of mass destruction (WMD) Awareness training to maintain a state of readiness concerning terrorism/WMD incidents.

I. MISSION/SITUATION

Purpose
The purpose of this annex is to provide a framework for response to a threatened or actual terrorism incident and an outline of the roles and responsibilities of response and support agencies.

Mission
The mission of the Terrorism Annex of the City of Gresham EOP is to establish policies and procedures that will help:

- Prevent or deter terrorist activities;
- Protect citizens and response personnel in the event of a terrorism incident;

- Manage the resources necessary to respond to and minimize the impact of terrorist acts, including public exposure to explosive devices and chemical, biological, and radioactive materials or their by-products;
- Prevent or minimize property damage;
- Apprehend the persons responsible for the incident; and
- Assist the community in returning to normal life in the aftermath of the incident.

Situation

- "The acquisition, proliferation, threatened or actual use of weapons of mass destruction by a terrorist group or individuals constitutes one of the gravest threats to the United States." (Louis J. Freeh, Director, FBI, May 13, 1997)

- "As we all know too well, terrorism is nothing new. It is as old as history. What is new is the nature of the threat. It is global in scale. Terrorists can and will strike virtually anyone, anywhere, at any time…. And yet, terrorists are more invisible than ever. They don't wear military uniforms. They blend into society. They can be a businessman in a three-piece suit. They can be the shopper in line at the local Wal-Mart. They can even be – as we have seen so tragically – the person sitting next to you on an airplane." (Robert S. Mueller III, Director, FBI, May 7, 2002)

The FBI defines a terrorist incident as "a violent act, or an act dangerous to human life, in violation of the criminal laws of the United States or of any state, to intimidate or coerce a government, the civilian population, or any segment thereof in furtherance of political or social objectives." Terrorist acts may be initiated by individuals acting alone or by organized groups for monetary, political, religious, or personal reasons. In recent years, Oklahoma City, September 11, and the anthrax exposures and threats have all demonstrated that any community is vulnerable to acts of terrorism that may be perpetrated by many different types of terrorists. Successful resolution of a terrorist event will require the involvement of many public and private agencies whose responses must be coordinated to provide an effective response.

While nuclear, biological, and chemical (NBC) agents have typically been considered WMD, explosives, alone or in combination with NBC agents, and cyber-terrorism are additional threats and will be investigated as terrorist acts. While the probability of an incident involving WMD in the City of Gresham is low, the possible criminal use of these agents and their great destructive potential require that a well-planned and organized response be developed.

With a population of over 100,000, Gresham is the fourth largest city in Oregon and the second largest in the Portland metropolitan area. Gresham is located 12 miles east of downtown Portland and, with the adjoining communities of

Fairview, Troutdale, and Wood Village, comprises the area of East Multnomah County.

The Gresham area is easily accessible through all means of transportation, including:

- Two major east/west highways (Interstate 84 and U.S. highway 26) and one north/south interstate (I-205);
- Union Pacific railroad;
- Tri-Met's Metropolitan Area Express (MAX) light rail service in Portland and Gresham and bus service covering all the cities;
- Portland International Airport and Troutdale business and general aviation airport; and
- Marine access along the Columbia River and then to the Pacific Ocean, approximately 110 miles to the west.

Gresham Fire and Emergency Services provide fire protection and emergency medical services for eastern Multnomah County and all four cities in this area under a district fire service umbrella. The Multnomah County Sheriff Department; the city police departments of Gresham, Fairview, and Troutdale, and Oregon State Police provide law enforcement services. The East Multnomah County area is also served by multi-jurisdictional hazardous materials, explosives response, and river rescue teams that include personnel from the City of Gresham, Portland Police Bureau, and Multnomah County.

Assumptions

- WMD incidents are likely to cause mass casualties, strong public anxiety, and extensive property damage. Local response capability may be quickly overwhelmed.

- Local first responders will probably be on their own for 12–18 hours before State and Federal assets arrive.

- No agency at any level of government will have the expertise or resources to resolve an act of terrorism independently. Regional, multi-jurisdictional responses maximize the impact and reach of limited resources and improve the likelihood of effective local response.

- Many of the response actions required to respond effectively to a terrorist event will be the same as those required for any mass casualty incident (MCI) affecting the city.

II. Concept of Operations

Operational response to a terrorist incident is incorporated in the basic City of Gresham Emergency Operations Plan (EOP) and its associated functional

annexes. (Please see the Basic Plan for a list of the functional and hazard-specific annexes of the EOP.) This terrorism annex builds on the existing elements of the EOP and provides direction for terrorism-specific issues.

City Resolution 2769 adopts the Incident Command System (ICS) developed by the National Incident Management System (NIMS) for the management of emergency situations in the city. As described below, many simultaneous responses from different agencies are likely to be required in a terrorism event. Accordingly, a Unified Command structure is recommended as soon as it seems apparent that the incident is both a life safety emergency and a potential terrorist act.

- The threatened or actual use of a weapon of mass destruction is a terrorist act. All threats will be treated as real until an investigation proves otherwise.

- The fact that an emergency/disaster scene is the result of a terrorist act may not be evident during the initial emergency response. Until the scene is stabilized and terrorist involvement is suspected or confirmed, Fire and Emergency (FES) will be in command of the scene.

- When a terrorist act or credible threat is confirmed, the Gresham PD will become the lead agency and will notify Gresham Emergency Management (GEM), Portland Police Bureau, Multnomah County Sheriff, Oregon State Police, the Federal Bureau of Investigations (FBI), and the Oregon Emergency Response System (OERS) that a terrorist event appears likely.

- Gresham Emergency Management will notify Multnomah County Emergency Management that a credible threat exists or that a terrorist event has occurred. If the EOC has not previously been activated, GEM will activate the EOC and notify all appropriate agencies of the status of the incident.

- Inter-agency response efforts in support of police, fire, and rescue activities will be coordinated through the EOC according to the various annexes of the EOP.

- Because a terrorism incident is a crime as well as an emergency/disaster, evidence preservation, law enforcement investigation, and site management are of greater concern than in many other incidents.

- Responders to any potential terrorism incident should not enter any zone or attempt any task for which they are not properly trained and equipped.

- In all response situations, responders should be alert for the possibility of secondary devices and for any of the signs or symptoms that would

suggest the involvement of chemical agents or toxic industrial materials, especially any situation in which responders discover many people exhibiting the same medical symptoms.

- Critical response issues at the scene of a terrorist event are incident-dependent but are likely to include:
  - Safety of responders and citizens;
  - Rescue and triage of victims;
  - Stabilization of the scene;
  - Identification of the type of incident and material;
  - Decontamination, if necessary;
  - Crowd control and facility security;
  - Evidence preservation;
  - Obtaining and disseminating accurate information;
  - Coordination of responses and resources;
  - Communication among all responders and decision-makers; and
  - Protection of the environment.

- While life safety issues are of primary importance, care will be taken to preserve the crime scene to the greatest extent possible.

- Oregon Emergency Management officials will coordinate State resources requested by the City of Gresham. State personnel may provide technical assistance, support and/or response functions.

- Resolution of a terrorist incident is likely to require Federal resources. When FBI officials arrive, they will serve as the lead Federal agency for the crisis management aspects of the incident.

- FEMA officials will serve as the lead Federal agency for consequence management and will coordinate Federal assets in support of local and state emergency response activities. Consequence management addresses the effects or potential effects of the incident on health, safety, and environment.

- The FBI will establish a Joint Operations Center (JOC) at a site appropriate for the particular incident. State and local officials will be represented at the JOC to ensure coordination of assets, information, and response among all levels of government.

- Whether through the JOC or through a separate JIC, should one be deemed necessary, public information must be coordinated among all response agencies and levels of government.

III. Direction and Control

Because resolution of a terrorist act is likely to involve resources from all levels of government as well as private organizations, clarity of command structure and multi-agency response coordination are essential.

- The first public safety responder to the scene will assume command of the incident and will retain command until relieved of the responsibility.
- When the full EOC is activated, incident command may be transferred from the field to the EOC. If command is transferred, all incident-related activities are under the direction of the EOC Incident Commander (IC). Field activities are conducted under the direction of the Operations Section Chief, who may be in the field or in the EOC.
- Local emergency response will be managed according to NIMS ICS and the City of Gresham EOP and annexes.
- In a terrorist event occurring within the city, the Gresham PD will be the lead local agency. Because it is likely that any terrorist event will involve police, fire, and emergency management service operations—as well as outside agencies and jurisdictions—these agencies should strongly consider a unified command system.
- Unified command operations may also occur in neighboring jurisdictions when City of Gresham assistance is requested or aid is provided pursuant to intergovernmental agreements.

IV. Roles and Responsibilities

The roles of City of Gresham response agencies are briefly outlined below. This section is not meant to be all-inclusive or to identify all the actions that may be required in responding to a terrorist incident. Its purpose is simply to create a common understanding of each agency's basic responsibilities in a WMD event. Individual agencies are responsible for developing standard operating procedures and guidelines to implement these and other required actions. All these activities, and any others that may be necessary, are coordinated through the incident command structure and the EOC.

A. INTELLIGENCE – Gresham Police Department

Any division of Federal, State, or local government may receive intelligence concerning potential WMD threats. All threats of terrorist incidents, regardless of the credibility of the source, should be directed to the Investigation Division Commander of the Gresham PD. The Investigation Division Commander will receive, classify, and forward information they receive according to its agency SOPs.

B. DISASTER SCENE RESPONSE

Fire and Emergency Services
FES is the lead agency in mitigating disaster scenes. FES may retain command until its primary services are no longer needed and/or until evidence suggests that a criminal act caused the disaster. When the IC suspects or determines that the incident is a criminal event, he or she will notify the PD.

Fire and Emergency Services responsibilities include:
- Emergency medical services,
- Fire suppression,
- Hazardous materials mitigation,
- Technical rescue operations, and
- Participation in incident management.

Police Department
Police officers will assist FES when dispatched to a fire or disaster scene, or when patrolling near a scene in which fire units are present and the need for assistance appears evident.

Once the disaster scene has been stabilized, police will assume responsibility for purposes of the criminal investigation. However, police personnel will coordinate their entry into the crime scene based upon the advice and expertise of FES.

Police responsibilities include:
- Intelligence,
- Security and traffic control,
- Crime investigation, and
- Participation in incident management.

Department of Environmental Services
DES is responsible for a number of essential services, including delivery of safe drinking water; stormwater management; collection and treatment of wastewater; and street maintenance, among others. Responsibilities in a WMD event include the following:

- Evaluation and maintenance of critical infrastructure,
- Access control and restrictions,
- Environmental protection, and
- Participation in incident management.

Hazardous Materials Response Team
The Hazardous Materials Response Team 3 (HazMat3) is a multi-jurisdictional team staffed by fire and law enforcement personnel from the City of Gresham and Multnomah County. The team is trained and equipped to deal with incidents involving hazardous materials and is responsible for mitigation operations within the hazard area, including agent detection and identification, containment, and decontamination.

When the presence of WMD or any non-explosive hazardous material is suspected or confirmed, first responders should move to a safe location and request assistance from HazMat3. If hazardous materials and explosive devices are suspected or found, both HazMat3 and the Metro Explosive Disposal Unit (MEDU) should be called.

Incidents involving responses by both HazMat3 and MEDU teams will be managed based on the nature of the event and the hazards presented, generally by addressing the greatest or most immediate hazard first.

Metro Explosive Disposal Unit
MEDU is a multi-jurisdictional, regional response team trained and equipped to deal with incidents involving explosive devices. When the presence of explosive devices is suspected or confirmed, responders should move to a safe location and request assistance from MEDU, whose responsibilities include detection and render safe operations.

In situations in which explosives and hazardous materials are suspected or found, both MEDU and HazMat3 should be called.

Incidents involving a response by both HazMat3 and MEDU teams will be managed based on the nature of the event and the hazards presented, generally by addressing the greatest or most immediate hazard first.

Special Emergency Response Team
SERT is a multi-jurisdictional response team of law enforcement and paramedic staff available for call-out in especially dangerous or volatile situations. Examples include hostage situations, apprehension and arrest of suspects known to be dangerous, and potential or actual acts of terrorism.

C. CYBER-TERRORISM
The City of Gresham Division of Information Technology (IT) is responsible for ensuring the continuity of EOC computer operations during an emergency and for resolving any incident in which the city's computer systems and/or telephone systems are affected. IT will serve as the lead agency in coordinating appropriate government response to an act of cyber-terrorism involving City of Gresham systems.

IT will provide consultation and support to EOC staff on possible courses of action in any situation involving cyber-terrorism on non-city computer/ communications systems. Decision-making authority will rest with the management of the affected organization.

D. CITY MANAGER

The City Manager is responsible for all City of Gresham Emergency Management Program activities, including the appointment of a City Emergency Program Manager. During emergencies, the City Manager oversees all emergency operations, including Incident Command and EOC staff operations. Specific responsibilities may include:

- Approve and sign Declaration of Emergency or Disaster, to include specific Emergency Powers to be invoked;
- Oversee Incident Command and EOC operations;
- Coordinate with neighboring jurisdictions and outside agencies; and
- Direct appropriate actions according to terrorism threat levels.

E. INCIDENT COMMANDER

The IC maintains overall responsibility for an incident, including selecting the strategy, establishing the command structure, overseeing operations, and all other functions and resources required to resolve the incident. Specific duties of the IC include:

- Request assistance as necessary, including partial or full EOC activation;
- Develop strategy and direct actions to implement that strategy;
- Allocate resources according to City of Gresham priorities:
    1) Protection of life
    2) Incident stabilization
    3) Protection of property and environment
    4) Scene Security; and
- Recommend appropriate emergency declaration to the City Manager, if necessary.

F. EMERGENCY MANAGEMENT

In all emergencies affecting the City of Gresham, the Office of Emergency Management is responsible for coordinating the information, personnel, and resources necessary to support response and recovery operations. These support functions are provided through the EOC and fall generally into two categories:

- Assist the decision-making efforts of the IC or City Manager in developing strategy; and
- Coordinate the planning, logistics, and financial activities required to support field operations.

G. CITY COUNCIL

Once elected officials have taken steps to provide for their own and their family's safety, they have an important role to play in supporting the City's response and reassuring the public. Because it is critical to provide accurate, consistent information to the public in an emergency, officials should coordinate any public statements with the EOC (City Manager, IC, or PIO). Specific responsibilities of Council Members may include:

- Advise City Manager regarding the need for emergency declarations or other policy matters;
- Demonstrate appropriate response actions for citizens;
- Reassure the public through leadership and public statements; and
- Confer with officials from neighboring jurisdictions as appropriate.

V. TERRORISM THREAT LEVEL RESPONSES – HOMELAND SECURITY ADVISORY SYSTEM

The Homeland Security Advisory System was developed as a general alert system after September 11, 2001. Organizations can use the levels as indicators of appropriate actions that should be taken for a given level of risk. Suggestions at each level assume that the actions recommended at lower levels of risk have been accomplished.

The advisory system is presented below with suggested actions that department heads may consider as they develop and implement their department-specific measures. As threat levels increase, employees should be progressively more alert to the possibility of terrorist activity, and greater emphasis should be paid to security measures.

A. Green – low risk

- Encourage employees to develop emergency procedures for work and home, including emergency plans and 72-hour disaster supply kits in both locations.

- Encourage employees to volunteer for EOC positions and provide on-duty time for training and exercises.

- Develop procedures for employees to use when they feel threatened and want to alert other employees or request assistance.

- Consider assigning a central point of contact for emergency management in each department.

- Develop a process to ensure that all facilities are assessed on a regular basis for vulnerability to terrorist attacks and that all reasonable measures are taken to mitigate these vulnerabilities.

B. Blue – guarded, general risk

- Verify staff contact information.
- Notify City Manager's office, PD, and Fire Department of any controversial or highly visible departmental activity.
- Review and update emergency response procedures.
- Provide the public with any information that improves their awareness and ability to protect from or mitigate terrorist hazards.

C. Yellow – elevated, significant risk

- Increase surveillance of critical locations.
- Ensure that employees are familiar with departmental emergency and contingency procedures.
- Encourage all employees to become familiar with city-wide procedures for emergencies, such as shelter-in-place and evacuation instructions.
- Coordinate emergency plans with other departments and nearby jurisdictions.
- Develop appropriate contingency plans, including a pro-active public information and media release strategy.

D. Orange – high risk

- Increase security at entrances to facilities.
- Encourage increased vigilance by employees in observing unusual activities.
- Conduct periodic security checks/inspections of facilities.
- Implement employee/citizen check-in and identification procedures.
- Coordinate security efforts among law enforcement agencies.
- Take additional precautions at public events.
- Review and prepare to execute contingency procedures.

- Consider restricting access to critical facilities to essential personnel only.

E. Red – Severe risk

- Redirect personnel and resources to meet critical emergency needs.
- Assign emergency response personnel on stand-by status.
- Pre-position assets that could be needed.
- Increase security at all critical or threatened facilities.

VI. Annex development and maintenance

- The Gresham PD, as lead agency for terrorism incidents, is responsible for coordinating response plans and protocols for this annex.
- All response agencies and annex coordinators are responsible for reviewing the accuracy of this annex as it relates to their area of operations and SOPs.
- The annex should be reviewed and updated at least annually and after any incident or exercise in which it is used.
- Gresham Emergency Management will assist the PD in compiling revisions and updates to this annex and ensuring its compatibility with the EOP.

ATTACHMENT IA8-A: Terrorism Incident Checklist

Lead Agency: **Gresham Police Department**
Gresham Emergency Management Division

Background Information

This annex can be applied to incidents involving WMD and Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) materials.

Law enforcement agencies will normally take the lead role in crisis management. The Gresham Police Department has the lead role in terrorism response within the City. The lead agencies for the State and Federal government are Oregon State Police and the FBI.

The laws of the United States assign primary authority to state and local governments to respond to the consequences of terrorism; the Federal government provides assistance as required. The City EOC will be activated and have the lead role in terrorism consequence management for most types of terrorist incidents, but the Multnomah County Health Department will be assigned the lead local role in terrorism consequence management for incidents involving biological agents. Oregon Office of Emergency Management and the Federal Emergency Management Agency are the State and Federal consequence management leads.

Phase of Activity	Action Items	Supplemental Information
PRE-INCIDENT PHASE	❑ **Continue to maintain and revise, as needed, the appropriate emergency response plans relating to terrorism response, including the Gresham EOP and annexes.**	
	❑ **Have personnel participate in necessary training and exercises, as determined by Gresham Emergency Management.**	
	❑ **Participate in Gresham, Multnomah County, regional, State, and Federal terrorism preparedness activities, seeking understanding of interactions with participating agencies in a terrorism scenario.**	
	❑ **Ensure that emergency contact lists are updated and establish a pre-event duty roster allowing for 24/7 operational support for the City EOC.** Include appropriate regional, State, and Federal emergency contacts for terrorism response.	*Existing emergency contact lists for Gresham and response partners*
	❑ **Ensure that terrorism response equipment and personnel inventories for Gresham, and the regional teams are updated.** This includes response to chemical, biological, radiological, nuclear, and explosive agents. Test and maintain response and communications equipment. Keep a stock of necessary supplies.	
	❑ **Inform Gresham Emergency Management of any major developments that could adversely affect response operations (i.e., personnel shortages, loss of firefighting equipment, etc.).**	

Phase of Activity	Action Items	Supplemental Information
	❑ **Provide public safety information and educational programs for terrorism emergency preparedness and response.**	
SURVEILLANCE PHASE (Biological Incident ONLY)	❑ **Activate Incident Command/UC upon recommendation from Gresham Police Department. UC may consist of County, regional, State, and Federal crisis management and consequence management agencies.**	
	❑ **Mobilize appropriate emergency personnel and first responders.** When deemed necessary, send fire, HazMat, law enforcement, public health and others to the site. Determine responder activities and establish non-contaminated areas prior to mobilizing resources.	
	❑ **Evaluate the safety of emergency personnel.** Initiate development of site and agent-specific health and safety plan.	
	❑ **Assess the situation/confirm the WMD/CBRNE incident.** Gather all available data regarding the status of the incident. Record the information using established forms, log sheets, and templates. Use of standard ICS forms may be necessary.	*ICS Form 209: Incident Status Summary*
	❑ **Activate public notification procedures.** Contact agency and partner emergency personnel to ensure that they are aware of the incident status and are available and staffed to respond.	
	❑ **Control the scene.** Alert the public and consider shelter-in-place needs, relocation of people/animals, and special needs. This task should be coordinated with law enforcement.	
	❑ **Conduct hazard assessment.** In the case of a possible intentional release, begin addressing information needs for criminal investigation. For example, what is the ultimate purpose of the biological release? What is the target? Do further hazards and secondary threats exist? What is the source of release?	
	❑ **Draft an IAP.** Outline response goals and timelines and prepare for longer term (1-7 day) logistics, staffing, and operations.	
	❑ **Maintain communication between field response crews, local/County EOCs, Regional EOC, and State ECC, as applicable.** Communication should be ongoing throughout the duration of the response and include incident status reports, resource requests, and projected staffing and equipment needs.	
	❑ **Gather additional information.** Include photographs and video recording.	
	❑ **Determine if the threat level for that area should be elevated and inform appropriate agencies.**	
	❑ **Determine if any advisories should be issued to the public.**	

Phase of Activity	Action Items	Supplemental Information
RESPONSE PHASE	❑ **If an explosive devise is found, clear the immediate area and notify appropriate first responders. Be cognizant of any secondary devices that may be on site.**	
	– Be cognizant that CBRNE agents may be present.	
	❑ **Investigate the crime scene and collect vital evidence.**	
	❑ **Activate the Gresham EOP.**	
	❑ **Activate the appropriate EOCs and establish Incident Command. For larger events that cross multiple jurisdictions, establish a UC.** During terrorism incidents, local and/or County EOCs may be staffed. Staffing levels vary with the complexity and needs of the response. At a minimum, the IC, all Section Chiefs, the Resource Coordinator, and management support positions will most likely be needed.	
	❑ **Estimate emergency staffing levels and request personnel support.**	
	❑ **Develop work assignments for ICS positions (*recurring*).**	*ICS Form 203: Organization Assignment List*
	– Establish an ICP near the incident location. The ICP should be uphill and upwind of the incident location.	
	❑ **Notify supporting agencies (dependent on the type of incident) and the City Council.**	*FA 1 FA 1 of the City EOP*
	– Identify local, County, regional, and/or State agencies that may be able to mobilize resources to the EOC for support.	
	❑ **Determine the type, scope, and extent of the Terrorism incident (*recurring*).** Verify reports and obtain estimates of the area that may be affected. Also verify the status of critical infrastructure.	*ICS Form 209: Incident Status Summary*
	– Notify the regional HazMat team, public health agencies, support agencies, dispatch centers/PSAP, adjacent jurisdictions, Federal agencies (including FBI), and ESF leads/coordinators of any situational changes.	
	– Verify that the hazard perimeter and hazard zone security have been established.	
	– Ensure that a health and safety plan is developed by the designated Safety Officer, including health monitoring of first responders in accordance with all applicable guidance.	
	– Assess the type, severity, and size of the incident. If possible, characterize the hazardous material(s) of concern and determine appropriate personal protection equipment requirements.	
	❑ **Determine if the threat level for that area should be elevated and inform appropriate agencies.**	
	❑ **Disseminate appropriate warnings to the public.**	*FA 1 of the City EOP*
	❑ **Develop and initiate shift rotation plans, including briefing of replacements during shift changes.**	

Phase of Activity	Action Items	Supplemental Information
	– Dedicate time during each shift to preparing for shift change briefings.	*ICS Form 201: Incident Briefing*
	❑ **Confirm or establish communications links among primary and support agencies, the City EOC, the County ECC, and State ECC. Confirm operable phone numbers and backup communication links.**	*FA 1 of the City EOP*
	❑ **Ensure that all required notifications have been completed.** Consider other local, regional, State, and Federal agencies that may be affected by the incident. Notify them of the status.	*Established emergency contact lists maintained at the EOC*
	– Notification to OSP and the FBI is required for all terrorism incidents.	
	– If an incident occurs on State highways, ensure that ODOT has been notified.	
	– Contact appropriate key stakeholders and partners if the incident poses an actual or potential threat to State parks, recreational areas, historical sites, environmentally sensitive areas, tourist routes, or other designated areas.	
	– If agricultural areas and livestock are potentially exposed, contact local Extension Services (Oregon State University), Multnomah County Health Department, Oregon Department of Agriculture, and the State Veterinarian, as applicable to situation.	*ESF 11 Annex to the Multnomah County EOP*
	❑ **Manage and coordinate interagency functions.** Providing multi-agency coordination is the primary goal. Assimilate into a UC structure as dictated by the incident.	
	❑ **Implement local plans and procedures for Terrorism operations.** Ensure copies of all documents are available to response personnel. Implement agency-specific protocols and SOPs.	*Multnomah County Terrorism Response Plan*
	❑ **Obtain current and forecasted weather to project potential HazMat vapor plumes (*recurring*).** - *Note: Vapor plume modeling support may be obtained through regional HazMat teams, State, and/or Federal environmental protection agencies.*	*FA 1 of the City EOP*
	❑ **Determine the need to implement evacuations and sheltering activities (*recurring*).** A determination of the use of shelter-in-place for surrounding residences and public facilities should be made. - *Note: Refer to the USDOT Emergency Response Guidebook for determining the appropriate evacuation distance from the source.*	*FA 1 of the City EOP*
	❑ **Determine the need for and activate emergency medical services (*recurring*).**	*FA 1 of the City EOP*
	❑ **Determine the need for additional resources and request as necessary through appropriate channels (*recurring*).**	*FA 1 of the City EOP*
	❑ **Submit a request for emergency/disaster declaration, as applicable.**	*Section 1.4.2 of the City EOP*
	❑ **Activate mutual aid agreements.** Activation includes placing backup teams on standby and alerting resource suppliers about potential needs as well as current needs.	

Phase of Activity	Action Items	Supplemental Information
	❑ **Coordinate resource access, deployment, and storage in the operational area.** Resources to coordinate include equipment, personnel, facilities, supplies, procedures, and communications. Track resources as they are dispatched and/or used.	*ICS Resource Tracking Forms*
	❑ **Develop plans and procedures for registering regional HazMat or health and medical teams as they arrive on the scene and receive deployment orders.**	
	❑ **Establish a JIC.**	*FA 1 of the City EOP*
	❑ **Formulate emergency public information messages and media responses utilizing "one message, many voices" concepts (*recurring*).**	
	– Public information will be reviewed and approved for release by the IC and lead PIO before dissemination to the public and/or media partners.	*FA 1 of the City EOP*
	❑ **Record all EOC activity and completion of individual personnel tasks (*recurring*).** All assignments, person(s) responsible and significant actions taken should be documented in logbooks.	*EOC Planning Section job action guide*
	❑ **Record all incoming and outgoing messages (*recurring*).** All messages, and the identity of the person sending or receiving them, should be documented as part of the EOC log.	
	❑ **Develop and deliver situation reports (*recurring*).** At regular intervals, the EOC Director and staff will assemble a situation report.	
	❑ **Develop an IAP (*recurring*).** This document is developed by the Planning Section and approved by the IC. The IAP should be discussed at regular intervals and modified as the situation changes.	*ICS Form 202: Incident Objectives*
	❑ **Implement objectives and tasks outlined in the IAP (*recurring*).**	
	❑ **Coordinate with private sector partners as needed.**	
	❑ **Ensure all reports of injuries, deaths, and major equipment damage due to the terrorist incident are communicated to the IC and/or Safety Officer.**	
RECOVERY/ DEMOBILIZATION PHASE	❑ **Ensure an orderly demobilization of emergency operations in accordance with current demobilization and community recovery plans.**	*FA 1 of the City EOP*
	❑ **As applicable, clean-up activities will most likely be conducted by private contractors and coordinated among Gresham, the responsible party (if known), and the Oregon DEQ. Support from the EPA may be necessary.**	
	❑ **Activate, if necessary, the appropriate recovery strategies, continuity of operations plans, and/or continuity of government plans.**	
	❑ **Release mutual aid resources as soon as possible.**	

Phase of Activity	Action Items	Supplemental Information
	❑ **Conduct a post-event debriefing to identify success stories, opportunities for improvement, and development of the After Action Report/Improvement Plan.**	
	❑ **Deactivate/demobilize the EOC.**	
	❑ **Correct response deficiencies reflected in the Improvement Plan.**	
	❑ **Revise any applicable emergency response plans based on the success stories and/or lessons learned during the response.**	
	❑ **Submit valuable success stories and/or lessons learned to the Lessons Learned Information Sharing website (www.llis.gov)**	

9

IA 9 – Volcano

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ATTACHMENT IA9-A: Volcano Incident Checklist

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I. Situation

The city of Gresham lies within the projected ash fall path for Mount St. Helens and has a historical record of such deposits. The city is also in the impact area for Mt. Hood if it becomes active. This annex focuses on management of ash fall, the most common hazard created by volcanic activity.

Potential problems that ash fall may create include hazardous driving conditions due to poor visibility, slippery streets, and damaged traffic signals. Heavy ash fall can also cause structural problems in buildings, break electrical lines, and interfere with radio and telephone communication. Ash is extremely abrasive and insidious in its penetration of machinery and buildings; office machinery and computers may be especially vulnerable. Once an eruption has occurred, the city might have as little as one hour's warning of approaching ash, depending upon prevailing winds.

Long-term health hazards of exposure to ash are largely unknown. Short-term hazards include skin, eye, and lung irritation.

II. Volcano Planning

Overall planning for eruptions of the Mt. St. Helens and Mt. Hood volcanoes is primarily the responsibility of the Gifford Pinchot and Mount Hood National Forests. The Department of Environmental Services (DES) is the City's lead agency for volcano planning and coordinates the bi-annual review of this annex with affected agencies. In the event of volcano activity, all City departments will be expected to protect City employees and property, while maintaining their own services to the best of their ability. When this plan is activated, they will assist DES and the Incident Commander (IC), as requested.

III. Volcano Information

Warning of an impending eruption may be available several days or weeks in advance of the event, or not until the last moment. Information will be provided through the media and may be augmented with special bulletins for emergency services from the USDA Forest Service, U.S. Geological Services, and Multnomah County Emergency Management. When prior warning is received, departments should take preparatory steps to deal with volcanic activity.

IV. Emergency Service Actions

A. Environmental Services Department

Level I

____1. Stock additional supplies such as goggles and filter masks for personnel; building heating, ventilation, and air conditioning filters; and foam air filters for Department vehicles.

____2. Establish contact and reporting procedures for updates from the Portland Water Bureau. This will facilitate the filling of City reservoirs to full capacity in anticipation of the shutting down of the Bull-run system because of ash fall. Bring reservoirs to full capacity when indicated.

____3. Prepare ash management and water conservation public information.

____4. Brief staff on safety considerations:
   a. Driving conditions
   b. Use of protective masks
   c. Vehicle maintenance

____5. If possible, move equipment indoors or cover.

____6. Review pre-contract equipment list for available street flushing apparatus.

____7. Determine location for ash removed from streets should a major ash removal effort become necessary.

____8. Consider use of snow removal street assignments as a basis for an ash removal action plan.

____9. Keep City Manager informed of activities.

Level II

____1. Reduce exposure to ash and hazardous driving conditions as much as possible.

____2. Implement ash management and water conservation public information program.

____3. Assess need for street maintenance; make assignments as necessary.

____4. Assess ash load on Department facilities. Arrange to remove ash from roofs as necessary.

____5. Assess the need for additional staffing or EOC activation, based on operational activity and call-load from the public.

____6. Operate vehicles with windows rolled up. Keep outside air vents closed.

____7. Keep City Manager informed of activities

Level III

____1. Procure and assign necessary equipment to maintain streets.

____2. Consider the release of non-essential personnel.

____3. Continue public information program.

____4. Assess ash load on Department facilities. Arrange to remove ash from roofs as necessary.

____5. Assess the need for additional staffing or EOC activation based on operational activity and call-load from the public.

____6. Eliminate all non-vital vehicle traffic.

B. Fire and Emergency Services Department

Level I

____1. Stock additional supplies such as goggles and filter masks for personnel and foam air filters, oil and oil filters for Department vehicles.

____2. Brief staff on safety considerations:
a. Driving conditions,
b. Use of protective masks, and
c. Vehicle maintenance

____3.If possible, move equipment indoors or cover.

Level II

____1. Reduce exposure to ash and hazardous driving conditions as much as possible.

____2. Implement water conservation program, as directed by DES.

____3. Assess ash load on Department facilities. Arrange to remove ash from roofs as necessary.

____4. Assess the need for additional staffing or EOC activation based on operational activity and call-load from the public.

____5. Care should be taken to keep ash away from radios. Personnel should not attempt to clean radios themselves.

____6. Operate vehicles with windows rolled. Keep outside air vents closed.

Level III

____1. Assist in EOC staffing as requested.

____2. Consider the release of non-essential personnel.

____3. Assess ash load on Department facilities. Arrange to flush roofs as necessary.

____4. Assess the need for additional staffing based on operational activity and call-load from the public.

____5. Eliminate all non-emergency vehicle traffic.

____6. Consider the release of non-essential personnel.

C. Police Department

Level I

____1. Stock additional supplies such as goggles and filter masks for personnel and foam air filters for Department vehicles.

____2. Brief staff on safety considerations:
   a. Driving conditions
   b. Use of protective masks
   c. Vehicle maintenance

____3. If possible, move equipment indoors or cover.

Level II

____1. Reduce exposure to ash and hazardous driving conditions as much as possible.

____2. Implement water conservation program as directed by DES.

____3. Reduce patrol activity at the discretion of the Shift Commander. Use oldest vehicles first.

____4. Supervisors will monitor radio traffic to ensure the restriction of response to necessary calls.

____5. Assess the need for additional staffing or EOC activation based on operational activity and call-load from the public.

____6. Eliminate use of motorcycle officers.

____7. Operate vehicles with windows rolled up. Keep outside air vents closed.

____8. Care should be taken to keep ash away from radios. Personnel should not attempt to clean radios themselves.

____9. Investigation units will be dispatched only in cases where a detective has been requested, an Investigation Section Supervisor has reviewed the situation, and the Supervisor has determined the presence of a detective is crucial to the investigation.

___10. Consider enforcement policy. Consider in lieu of custody citations rather than incarceration and transportation when possible.

Level III

____1. Assist in EOC staffing, as requested.

____2. Consider the release of non-essential personnel.

____3. Assess the need for additional staffing based on operational activity and call-load from the public.

____4. Eliminate routine patrol. Respond to priority 1 and 2 calls only.

____5. Patrol Officers will stand-by at fire station or other location approved by their supervisor, in or near their district. Officers will inform the EOC (if staffed), Bureau of Emergency Communication (BOEC), and Records of their location.

____6. BOEC will refer over-flow calls requiring a written report, but not the presence of an officer on the scene, to Records. All calls received by Records and BOEC will be screened to eliminate unnecessary requests for service.

____7. Provide routine vehicle maintenance (blow out filters at beginning of each shift).

D. Community Development Department

Level I

____1. Stock additional supplies such as goggles and filter masks for personnel and foam air filters for Department vehicles.

____2. Brief staff on safety considerations:
   a. Driving conditions
   b. Use of protective masks
   c. Vehicle maintenance

____3. If possible move equipment indoors or cover.

Level II

____1. Reduce exposure to ash and hazardous driving conditions as much as possible.

____2. Implement water conservation program, as directed DES.

Level III

____1. Assist in EOC staffing, as requested.

____2. Consider the release of non-essential personnel.

____3. Assess ash load on city facilities.

____4. Assess the need for additional staffing based on operational activity.

____5. Eliminate all non-emergency vehicle traffic.

E. Emergency Management

Level I

____1. Confirm alert and warning processes with Forest Service and other regional emergency managers.

____2. Assist with development of public information as requested by DES.

____3. Coordinate development of public information with Forest Service and other regional emergency managers to ensure standard instructions to the public.

____4. Contact hospitals and nursing homes to determine possible need to shelter special populations vulnerable to respiratory problems.

Level II

____1. Assess impact on ability of City to maintain normal services.

____2. Assist other departments as requested.

____3. Coordinate impact information with regional emergency managers and the Oregon Emergency Management Office.

Level III

____1. Consider activation of the EOC.

____2. Assist other departments, as requested.

____3. Coordinate impact information with regional emergency managers and the Oregon Emergency Management Office.

F. Office of the City Manager

Level I

____1. Keep Mayor and Council apprised of conditions and preparations.

Level II

____1. Reduce exposure to ash and hazardous driving conditions as much as possible.

Level III

____1. Assist in EOC staffing, as requested.

____2. Consider the release of non-essential personnel.

G. Office of the City Attorney

Level I

____1. Assist in researching emergency-related legal issues.

Level II

____1. Reduce exposure to ash and hazardous driving conditions as much as possible.

Level III

____1. Assist in EOC staffing as requested.

____2. Consider the release of non-essential personnel.

H. Finance and Management Services

Finance and Management Services is responsible for tracking the financial impact, facilities, and fleet operations during the volcanic event.

Level I

____1. Consider potential impact on communications and computer equipment. Arrange to protect equipment.

____2. Assist Police, Fire, and DES in arranging for augmented maintenance capability for vehicles and radios. This could include open purchase agreements with area service stations and negotiating expanded radio maintenance contracts.

Level II

____1. Assist Police, Fire, and DES, as requested.

____2. Reduce exposure to ash and hazardous driving conditions as much as possible.

____3. Establish a discrete charge code to cover all ash-fall related expenditures.

____4. Fleet Maintenance - Change oil and filters, and lubricate chassis every 500 miles.

____5. Fleet Maintenance - Check and clean fuel tank vents every 500 miles.

____6. Fleet Maintenance - Alternators, batteries, and other electrical components will be cleaned with compressed air at the end or beginning of each shift.

Level III

____1. Assist in EOC staffing, as requested.

____2. Consider the release of non-essential personnel.

____3. Fleet Maintenance - continue maintenance tasks, as listed in Level II.

I. Human Resources Department

Level I

____1. Assist Police, Fire, and DES in arranging for augmented maintenance capacity for vehicles and maintenance. This could include hiring of temporary personnel for fleet maintenance or to provide in-house routine radio maintenance.

Level II

____1. Assist Police, Fire, and DES, as requested.

____2. Reduce exposure to ash and hazardous driving conditions as much as possible.

Level III:

____1. Assist in EOC staffing, as requested.

____2. Consider the release of non-essential personnel.

V. Emergency Operations Center Staff Activities

A. Command/Command Staff

Volcanic activity in our area may require the following tasks:

____1. If conditions hamper or overload response capabilities, determine priorities on the basis of lives that may be saved, accessibility to the scene, and the amount of time needed to accomplish the mission.

____2. If conditions warrant, declare the existence of a local emergency, and submit request for formal declaration to Multnomah County Emergency Management

____3. Consider establishing car pools for essential personnel.

____4. Enhance vehicle and communications maintenance staffing.

____5. Coordinate public information with PIO.

B. Operations

____1. Consider the elimination of all but emergency vehicle use.

C. Planning

____1. Assess the likelihood of ash-related emergencies such as clogged water and drainage systems, and damage to structures.

D. Logistics

____1. Assess adequacy of communications systems. Consider activation of HAM communications.

____2. Determine sources for bulk purchase of vehicle and building air filters, facemasks, and other supplies.

____3. Assist in the development of car pool system for essential personnel.

E. Finance

____1. If conditions warrant, gather supporting documentation for Declaration of Emergency. Provide information to Command Staff and Planning Section.

____2. Assess financial tracking needs of the incident. Provide staff and procedures to assure adequate financial records are kept.

____3. Obtain detailed data on property and vehicle damage, and local financial resources expended in support of the incident.

ATTACHMENT IA9-A: Volcano Incident Checklist

Lead Agency: Gresham Department of Environmental Services

Phase of Activity	Action Items	Supplemental Information
PRE-INCIDENT PHASE	❑ **Arrange for personnel to participate in necessary training and develop exercises relative to volcanic events.**	
	❑ **Provide information and training on volcano-hazard response to emergency workers and the public.** - Implement a public outreach program on volcano hazards. - Review public education and awareness requirements.	*FA 1 of the City EOP*
	❑ **Participate in Gresham and Multnomah County preparedness activities, seeking understanding of interactions with participating agencies in a volcano scenario.**	
	❑ **Ensure contact lists are current and establish a pre-event duty roster allowing for 24/7 operational support to the City EOC.**	
	❑ **Familiarize staff with requirements for requesting State and Federal Disaster Assistance.**	*Stafford Act, FEMA guidance, and Oregon EMP*
	❑ **Inform Gresham Emergency Management of any major developments that could adversely affect response operations (i.e., personnel shortages, loss of firefighting equipment, etc.).**	
RESPONSE PHASE	❑ **Activate the City EOC and establish Incident Command or UC, as appropriate. Contact appropriate private partners to assign liaisons to the EOC for coordination of specific response activities.** Staffing levels vary with the complexity and needs of the response. At a minimum, IC, all Section Chiefs, Resource Coordinator, and management support positions.	*FA 1 of the City EOP, agency and company-specific plans*
	❑ **Activate and implement the City EOP.**	
	❑ **Notify supporting agencies.** - Identify local, regional, or State agencies that may be able to mobilize resources and staff to the City EOC for support	
	❑ **Provide local warnings and information and activate appropriate warning/alert systems.**	*FA 1 of the City EOP*
	❑ **Support a Regional Coordination Center, if necessary.**	
	❑ **Establish a JIC.** - Provide a PIO for the JIC. - Formulate emergency public information messages and media responses utilizing "one message, many voices" concepts (*recurring*).	*FA 1 of the City EOP*
	❑ **Initiate and coordinate local emergency declarations or requests for assistance from mutual aid partners, County, State, or Federal resources. If applicable, submit request for local disaster/emergency declaration following established County procedures.**	*Section 1.4.2 of County EOP*

Phase of Activity	Action Items	Supplemental Information
	❑ **Estimate emergency staffing levels and request personnel support.**	
	❑ **Develop work assignments for ICS positions (*recurring*).**	*ICS Form 203-Organization Assignment List*
	❑ **Develop and initiate shift rotation plans, including briefing of replacements during shift changes.**	*ICS Form 209-Incident Status Summary*
	- Dedicate time during each shift to prepare for shift change briefings.	
	❑ **Confirm or establish communications links among primary and support agencies, the City EOC, the County EOC, and State ECC - confirm operable phone numbers and backup communication links.**	
	❑ **Ensure all required notifications have been completed.** Consider other local, regional, State, and Federal agencies that may be affected by the incident. Notify them of the status.	*ICS Form 201-Incident Briefing*
	❑ **Manage and coordinate interagency functions.** Providing multi-agency coordination is the primary goal. Assimilate into a UC structure if scope of response increases.	*Established emergency contact lists maintained at the City EOC*
	❑ **Obtain current and forecasted weather to project potential spread of ash, fires, and/or gases (*recurring*).**	
	❑ **Determine need to conduct evacuations and sheltering activities (*recurring*). Request that American Red Cross activate and implement local sheltering plans.**	*FA 2 Annex of the City EOP and American Red Cross Shelter Plans*
	❑ **Coordinate evacuation of affected areas, if necessary. Assign appropriate ESF liaisons to the City and/or County EOCs, as situation requires. The following emergency functions may provide lead roles during various phases of evacuation:** - **ESF 1 - Transportation** - **ESF 2 - Emergency Telecommunications and Warning** - **ESF 13 - Public Safety and Security** - **ESF 15 - Emergency Public Information**	*FA 1 of the City EOP*
	❑ **Determine the need for additional resources and request as necessary through the City EOC (*recurring*).**	*FA 1 of the City EOP*
	❑ **Activate mutual aid agreements.** Activation includes placing backup teams on standby and alerting resource suppliers with potential needs as well as current needs.	
	❑ **Coordinate resource access, deployment, and storage in the operational area.** Resources to coordinate include: equipment, personnel, facilities, supplies, procedures, and communications. Track resources as they are dispatched and/or used.	*FA 1 of the City EOP*
	❑ **Develop plans and procedures for registration of task forces/strike teams as they arrive on scene and receive deployment orders.**	

Phase of Activity	Action Items	Supplemental Information
	❑ **Record all EOC activity and completion of individual personnel tasks (*recurring*).** All assignments, person(s) responsible and significant actions taken should be documented in logbooks.	*ICS Resource Tracking forms and EOC forms*
	❑ **Record all incoming and outgoing messages (*recurring*).** All messages and the person making/receiving them should be documented as part of the EOC log.	*Existing EOC forms/templates*
	❑ **Produce situation reports (*recurring*).** At regular periodic intervals, the EOC Director and staff will assemble a situation report.	*EOC Planning Section job action guide*
	❑ **Develop an IAP (*recurring*).** This document is developed by the Planning Section and approved by the IC. The IAP should be discussed at regular periodic intervals and modified as the situation changes.	
	❑ **Implement elements of the IAP (*recurring*).**	
	❑ **Coordinate with private sector partners as needed.**	*ICS Form 202 – Incident Objectives*
	❑ **Ensure all reports of injuries, deaths, and major equipment damage due to volcano/earthquake response are communicated to the IC and/or Safety Officer.**	
RECOVERY/DEMOBILIZATION PHASE	❑ **Activate and implement applicable mitigation plans, community recovery procedures, and continuity of operations/government plans until normal daily operations can be completely restored. Deactivate/demobilize the City EOC.**	*FA 1 of the City EOP and agency-specific recovery*
	❑ **Release mutual aid resources as soon as possible.**	
	❑ **Monitor secondary hazards associated with volcano eruption and/or significant activity (landslides, fires, contamination, damage to infrastructure, impacts to utility lines/facilities, air quality issues) and maintain on-call personnel to support potential response to these types of hazards.**	
	❑ **Conduct post-event debriefing to identify success stories, opportunities for improvement, and development of the After Action Report/Improvement Plan.**	
	❑ **Correct response deficiencies reflected in the Improvement Plan.**	
	❑ **Submit valuable success stories and/or lessons learned to the Lessons Learned Information Sharing website (www.llis.gov)**	

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IA 10 – Pandemic Flu

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I. Situation

A. According to the Centers for Disease Control, an influenza pandemic is a global outbreak that occurs when three conditions are met: a new influenza A virus appears or emerges in the human population, it causes serious illness in people, and it spreads easily from person to person worldwide. This is different from seasonal outbreaks or epidemics of influenza, which are caused by subtypes of influenza viruses that are already in existence among people.

   Just like seasonal flu, a pandemic flu virus will be spread by coughing and sneezing. People infected with a pandemic flu virus will be contagious for 24–48 hours before they display symptoms of infection. Public health officials estimate that during a pandemic, every person with the disease will transmit it to two or three additional people. Because people do not have pre-existing immunity to a new virus, a pandemic flu virus will result in more serious disease in humans than seasonal flu.

B. Assumptions:

   - Susceptibility to the pandemic influenza virus will be universal.
   - Vaccines will not be available for 6 to 9 months.
   - Anti-viral medication will be in short supply.
   - The clinical disease attack rate will likely be 30% or higher in the overall population during the pandemic. Illness rates will be highest among school-aged children (about 40%) and decline with age. Among working adults, an average of 20% will become ill during a community outbreak.
   - Some persons will become infected but not develop clinically significant symptoms. A symptomatic or minimally symptomatic individual can transmit infection and develop immunity to subsequent infection.
   - Of those who become ill with influenza, 50% will seek outpatient medical care.
   - Rates of absenteeism will depend on the severity of the pandemic.

A pandemic may occur in two or more waves of influenza activity, and each wave may last approximately 2 months. The second wave may occur 3 to 12 months after the end of the first wave and may have about the same health impact as the

first wave. Health care workers and first responders will become infected at about the same rate as the rest of the population.

Please note: POD sites were not developed for distribution of vaccines, but the POD plan may be utilized for that purpose. The POD plan was developed to distribute medicine for a biological attack, such as an Anthrax attack. The guidelines for distributing vaccinations are different (more restrictive).

II. Concept of Operation

The Multnomah County Health Department will be the lead agency and will provide:

- Leadership in directing, coordinating, and integrating overall efforts to provide public health and medical assistance to the affected areas;
- Request of appropriate entities to activate and deploy health and medical personnel, equipment, supplies, and public information; and
- Coordination with other primary and supporting jurisdictions and agencies throughout the incident.

The City of Gresham's response will vary based on the severity of the pandemic event. The City will activate the Continuity of Operations (COOP)/Continuity of Government (COG) plans as appropriate. See COOP/COG Annex for more detail.

III. Roles & Responsibilities

A. All Departments

- Monitor the number of staff that have been affected by the flu and are not able to work.
- Implement non-pharmaceutical prophylaxis measures, such as:
  - Social distancing, and
  - Promotion of respiratory hygiene etiquette.
- As needed, reprioritize work for accomplishing essential services. (See COOP/COG plans).
- In the event of large-scale absenteeism, activate the City's COOP/COG Plans.

B. Incident Commander

- Monitor the situation and develop strategy and tactics for response.
- Determine any requirements for Emergency Operations Center (EOC) activation, including COOP Command Staff (as outlined in COOP/COG plans).

C. Fire Department

- Respond to, and monitor increase in, calls as a result of the pandemic.
- Coordinate with local hospitals regarding where patients can be received.
- In the event of activation of a Point of Distribution (POD) site, Emergency Medical personnel may be needed to assist with distribution of vaccine. (The Emergency Management Department maintains a list of the POD sites.)
- Facilitate the distribution of anti-viral medications to City staff.

D. Police Department

- If necessary, increase patrol of business areas closed due to illness to prevent looting.
- In the event that a point of distribution site is activated, assist with site security and traffic control. (Emergency Management maintains a copy of the POD site-specific Security Plan)

E. Emergency Management

- Establish and maintain reporting and coordination contact with Multnomah County Health Department.
- Inform the Incident Commander (IC) and City Manager inthe event of a POD activation emergency.
- Open the EOC at the direction of the IC.

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11

IA 11 – Cyber Attack

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I. Situation

A. A cyber incident may take many forms, such as an organized cyber attack, an uncontrolled exploit such as a virus or worm, a natural disaster with significant cyber consequences, or other incidents capable of causing extensive damage to critical infrastructure or key assets.

Large-scale cyber incidents may overwhelm government by disrupting the Internet and/or taxing critical infrastructure information systems. Complications from disruptions of this magnitude may threaten lives, property, the economy, and national security. Rapid identification, information exchange, investigation, and coordination of response and remediation often can mitigate the damage caused by malicious cyberspace activity.

B. The Federal government plays a significant role in coordinating response to a cyber Incident of National Significance. Federal government responsibilities include:

- Providing indications and warnings of potential threats, incidents and attacks;
- Information-sharing both inside and outside the government, including best practices, investigative information, coordination of incident response, and incident mitigation;
- Providing technical assistance;
- Conducting investigations, forensics analysis, and prosecution;
- Attributing the source of cyber attacks;
- Defending against the attack; and
- Leading national-level recovery efforts.

II. Concept of Operation

If the attack is a denial of services attack or the like, the Information Technology Department (IT) may be able to stop it. If, however, it is a compromise or intrusion, no action will be taken on the system. IT will scare off the intruder or preserve evidence, or both. No new logons will occur. No rebooting will occur, as rebooting destroys log files. A forensic detective can obtain information needed to capture the intruder.

Any terrorism-related attack needs to be reported immediately to the Portland Division of the Federal Bureau of Investigations (FBI) (503-224-4181).

III. Roles & Responsibilities

A. Information Technology Division

- The City of Gresham Division of IT is responsible for ensuring the continuity of City computer networks and operations. IT will serve as the lead agency in coordinating appropriate response to an act of cyber terrorism involving City systems.

- At the time of an attack, the IT Department needs to know whom to call to report it, whom to call for help, what to do and what not to do, and the consequences of their actions. A cyber terrorist attack is still a terrorist attack, which must be properly reported to law enforcement.

B. Police Department

- Gather and share information regarding the cyber attack with the City Manager, Emergency Management, the FBI, and other departments, as appropriate.

- Information may be further disseminated based upon the nature of the intelligence and the potential need for other supporting agencies to become involved in the response.

C. Incident Commander

- Develop strategy and tactics for the event.
- Determine any requirements for the activation of the EOC.
- Be sure that all potentially impacted agencies are notified.

D. All City Departments

- Promptly follow instructions given by IT for proper response.
- Inappropriate response and not following directions could destroy evidence needed for investigation.

E. Emergency Management

- Support planning and response to a cyber attack as requested by the IC.
- Coordinate the EOC opening, if requested. This may include a full or selective EOC activation.

Appendix 14.1A 7.29.19 Update.pdf

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ALCOHOL AND THE HUMAN BODY.pdf

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ALCOHOL AND THE HUMAN BODY

ALCOHOL'S PROPERTIES

Alcohol is a general term denoting a family of organic chemicals with common properties. Members of this family include ethanol, methanol, isopropanol, and others. This introduction discusses the physical, chemical, and physiological aspects of the most commonly ingested of these – ethanol.

Alcohol (ethanol) is a clear, volatile liquid that burns (oxidizes) easily. It has a slight, characteristic odor and is very soluble in water. Alcohol is an organic compound composed of carbon, oxygen and hydrogen; its chemical formula is C_2H_5OH.

Alcohol is a central nervous system depressant and it is the central nervous system which is the bodily system that is most severely affected by alcohol (see chart below). The degree to which the central nervous system function is impaired is directly proportional to the concentration of alcohol in the blood.

When ingested, alcohol passes from the stomach into the small intestine, where it is rapidly absorbed into the blood and distributed throughout the body. Because it is distributed so quickly and thoroughly the alcohol can affect the central nervous system even in small concentrations. In low concentrations, alcohol reduces inhibitions. As blood alcohol concentration increases, a person's response to stimuli decreases markedly, speech becomes slurred, and he or she becomes unsteady and has trouble walking. With very high concentrations – greater than 0.35 grams/100 milliliters of blood (equivalent to 0.35 grams/210 liters of breath) – a person can become comatose and die. The American Medical Association has defined the blood alcohol concentration level of impairment for all people to be 0.04 grams/100 milliliters of blood (equivalent to .04 grams/210 liters of breath). The following is a general accepted guide to the effects of alcohol.

Stages of Alcohol Intoxication

BAC (g100 ml of blood or g/210 of breath	Stage	Clinical Symptoms
0.01 – 0.05	Subclinical	Behavior nearly normal by ordinary observation
0.03 – 0.12	Euphoria	Mild euphoria, sociability, talkativeness. Increased self-confidence; decreased inhibitions. Diminution of attention, judgment and control. Beginning of sensory-motor impairment. Loss of efficiency in finer performance tests.
0.09 – 0.25	Excitement	Emotional instability; loss of critical judgment. Impairment of perception, memory and comprehension. Decreased sensatory response; increased reaction time. Reduced visual acuity; peripheral vision and glare recovery. Sensory-motor incoordination; impaired balance. Drowsiness
0.18 – 0.30	Confusion	Disorientation, mental confusion; dizziness. Exaggerated emotional states. Disturbances of vision and of perception of color, form, motion and dimensions. Increased pain threshold. Increased muscular incoordination; staggering gait; slurred speech. Apathy, lethargy.
0.25 – 0.40	Stupor	General inertia; approaching loss of motor functions. Markedly decreased response to stimuli. Marked muscular incoordination; inability to stand or walk. Vomiting; incontinence. Impaired consciousness; sleep or stupor.
0.35 – 0.50	Coma	Complete unconsciousness. Depressed or abolished reflexes. Subnormal body temperature. Incontinence. Impairment of circulation and respiration. Possible death.
0.45+	Death	Death from respiratory arrest.

ABSORPTION

Alcohol is absorbed from all parts of the gastrointestinal tract largely by simple diffusion into the blood. However the small intestine is by far the most efficient region of the gastrointestinal tract for alcohol absorption because of its very large surface area. In a fasting individual, it is generally agreed that 20% to 25% of a dose of alcohol is absorbed from the stomach and 75% to 80% is absorbed from the small intestine. Because of the peak blood alcohol concentrations are achieved in fasting people within 0.5 to 2.0 hours, (average 0.75 – 1.35 hours depending upon dose and time of last meal) while non-fasting people exhibit peak alcohol concentrations with 1.0, and in extreme cases up t as much as 6.0 hours (average 1.06 – 2.12 hours).

DISTRIBUTION

Alcohol has a high affinity for water and is therefore found in body tissues and fluids inasmuch as they contain water. Absorbed alcohol is rapidly carried throughout the body in the blood and once absorption of alcohol is complete and equilibrium occurs such that blood at all points in the system contains approximately the same concentration of alcohol.

ELIMINATION

The liver is responsible for the elimination – through metabolism – of 95% of ingested alcohol from the body. The remainder of the alcohol is eliminated through excretion of alcohol in breath, urine, sweat, feces, milk and saliva. The body uses several different metabolic pathways in its oxidation of alcohol to acetaldehyde to acetic acid to carbon dioxide and water.

Healthy people metabolize alcohol at a fairly consistent rate. As a rule of thumb, a person will eliminate one average drink or .5 oz (15 ml) of alcohol per hour. Several factors influence this rate. The rate of elimination tends to be higher when the blood alcohol concentration in the body is very high or very low. Also chronic alcoholics may (depending on liver health) metabolize alcohol at a significantly higher rate than average. Finally, the body's ability to metabolize alcohol quickly tend to diminish with age.

BODY WEIGHT AND BODY TYPE

In general, the less you weigh the more you will be affected by a given amount of alcohol. As previously detailed, alcohol has a high affinity for water. Basically one's blood alcohol concentration is a function of the total amount of alcohol in one's system divided by total body water. So for two individuals with similar body compositions and different weights, the larger individual will achieve lower alcohol concentrations that the smaller one if ingesting the same amount of alcohol. However, for people of the same weight, a well muscled individual will be less affected than someone with a higher percentage of fat since fatty tissue does not contain very much water and will not absorb very much alcohol.

RATE OF CONSUMPTION

Blood alcohol concentration depends on the amount of alcohol consumed and the rate at which the user's body metabolizes alcohol. Because the body metabolizes alcohol at a fairly constant rate (somewhat more quickly at higher and lower alcohol concentrations), ingesting alcohol at a rate higher than the rate of elimination results in a cumulative effect and an increasing blood alcohol concentration.

ALCOHOL CONTENT

It's not how many drinks that you have, but how much alcohol that you consume. As you can see from the chart below, some drinks are more potent than others.

Alcohol Content of Some Typical Drinks

Drink	Alcohol Content
Manhattan	1.15 oz (34ml)
Dry Martini	1.00 oz (30 ml)
Malt liquor – 12 oz (355 ml)	0.71 oz (21 ml)
Airline miniature	0.70 oz (21 ml)
Whiskey Sour/Highball	0.60 oz (18 ml)
Table Wine – 5 oz (148 ml)	0.55 oz (16 ml)
Beer – 12 oz (355 ml)	0.54 oz (16 ml)
Reduced Alcohol Beer	0.28 oz (8 ml)

Mixed drinks are based on typical drink recipes using **80 proof liquor**. The amount of alcohol in actual mixed drinks may vary.

Alcohol Content (in Percent) of Selected Beverages

Drink	Alcohol Content
Beers (lager)	3.2 – 4.0
Ales	4.5
Porter	6.0
Stout	6.0 – 8.0
Malt Liquor	3.2 – 7.0
Sake	14.0 – 16.0
Table wines	7.1 – 14.0
Sparkling wines	8.0 – 14.0
Fortified wines	14.0 – 24.0
Aromatized wines	15.5 – 20.0
Brandies	40.0 – 43.0
Whiskies	40.0 – 75.0
Vodkas	40.0 – 50.0
Gin	40.0 – 48.5
Rum	40.0 – 95.0
Aquavit	35.0 – 45.0
Okolehao	40.0
Tequila	45.0 – 50.5

The concentration of the drinks that one ingest can have a slight effect on the peak alcohol concentration due to the differences in absorption rate of different concentrations of alcohol. Alcohol is most rapidly absorbed when the concentration of the drink is between 10% and 30%. Below 10% the concentration gradient in the gastrointestinal tract is low and slows absorption and the added volumes of liquid involved slow gastric emptying. On the other hand concentrations higher than 30% tend to irritate the mucous membranes of the gastrointestinal tract and the pyloric sphincter, causing increased secretion of mucous and delayed gastric emptying.

The second is *functional tolerance* in which there is an actual change in the organ or system's sensitivity to the drug. Studies have shown that chronic alcohol users can have twice the tolerance for alcohol as an average person. It is important to note however that even in light of

these tolerance factors, it has been shown conclusively that even in heavy alcohol users functional impairment is clearly measurable at the blood alcohol concentration levels that are currently used for traffic law enforcement and safety sensitive job performance.

GENDER DIFFERENCES

As previously outlines under “Body Weight and Body Type,” different body types coincide with different body water percentages. In general, but by no means in all cases, women tend to have a higher percentage of body fat and thus a lower percentage of body water. Therefore, in general, if a man and a woman of the same weight ingest the same amount of alcohol the woman will tend to achieve a higher alcohol concentration. This, of course, would not be true if the woman was very fit and the man was somewhat obese, but on average, this is the case. Furthermore, total body water tends to decrease with age, so an older person will also be more affected by the same amount of alcohol. According to the table below the difference in alcohol concentration due to average body composition differences based on gender would be between 16% and 10% depending on age.

Average Total Body Water as a Function of Sex and Age

Age	Male	Female
18 to 40	61%	52%
Over 60	51%	46%

Another gender based difference is in the elimination of alcohol. Although not explained, studies appear to show that women eliminate alcohol from their bodies at a rate 10% greater than that of men.

I acknowledge that I have read and understand the training material on “Alcohol and the Human Body.”

Investigator Signature _____ Date _____

Supervisor Signature _____ Date _____

LAW ENFORCEMENT CODE OF ETHICS.doc

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APPENDIX 1215A.pdf

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APPENDIX 1215A

PHONETIC ALPHABET

ADAM
BAKER
CHARLES
DAVID
EDWARD
FRANK
GEORGE
HENRY
IDA
JOHN
KING
LINCOLN
MARY
NORA
OCEAN
PAUL
QUEEN
ROGER
SAM
TOM
UNION
VICTOR
WILLIE
XRAY
YELLOW
ZEBRA

APPENDIX 934A.pdf

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APPENDIX 934A

Gresham Police Department

CITIZEN COMMENT FORM

Do you want this information to remain confidential? Yes___ No ____ Today's Date _____

Your Name _____ Home Phone _____ Message Phone _____

Your Address _____ City _____ Zip _____

Date of Incident and/or action _____ Location where it occurred _____ Time of Occurrence _____

Name of Witness #1 _____ Phone _____

Address _____

Name of Witness #2 _____ Phone _____

Address _____

Was someone arrested? Yes _____ No ____ Name _____ Phone _____

Address _____

Was a Gresham Police Officer Involved? Yes ____ No _____ Name _____ Badge # _____

Name _____ Badge # _____

Details of ❑ Commendation ❑ Comment ❑ Complaint

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

(Use Additional Sheet of Paper if Necessary)

I certify the above statement is true and accurate.

_____

Your Signature Date

Appendix 14 1H Dispo Letter.pdf

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PROCUREMENT CARD TRANSACTION LOG.pdf

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PROCUREMENT CARD TRANSACTION LOG

Date of Purchase	*Merchants Name*	*Description of Items Received/Returned*	*Total Amount*	*Account Coding*	*Date Delivered*

Cardholders Name: _____ Month of: _____

Authorization to pay: _____ Page __1 of __1 pages

FORMS ARE DUE TO DEPARTMENT LIAISON ON THE 25TH OF EVERY MONTH

Forms/procurement card log.doc

Evacuation Plan.pdf

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Emergency Notification Revised 06-2019.pdf

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EMPLOYEE: _____

GRESHAM POLICE DEPARTMENT

Employee Emergency Notification Form

In the event of an emergency, I wish for the persons listed below to be notified:

1. _____ _____
name(s) relationship

HOME ADDRESS/PHONE NUMBER: WORK/OTHER ADDRESS/PHONE NUMBER: *NOTES: (enter details in box below)*

_____ _____

_____ _____

_____ _____

2. _____ _____
name(s) relationship

HOME ADDRESS/PHONE NUMBER: WORK/OTHER ADDRESS/PHONE NUMBER: *NOTES: (enter details in box below)*

_____ _____

_____ _____

_____ _____

3. _____ _____
name(s) relationship

HOME ADDRESS/PHONE NUMBER: WORK/OTHER ADDRESS/PHONE NUMBER: *NOTES: (enter details in box below)*

_____ _____

_____ _____

_____ _____

Names of GPD members I request be present during the notification of me or my family:

_____

Names of GPD members I request be present with me following a critical or traumatic incident:

_____

MEDICAL, RELIGIOUS, & OTHER INFORMATION

PREFERRED HOSPITAL: PHYSICIAN'S NAME/PHONE NUMBER: KNOWN ALLERGIES: BLOOD TYPE:

_____ _____ _____ _____

PEER SUPPORT MEMBERS: Select a Member

RELIGIOUS PREFERENCE & CLERGY CONTACT INFO: _____ ☐ Do not share with Chaplains

Employee signature: _____ Date:

DISTRIBUTION: ☐ ADMINISTRATION ☐ RECORDS ☐ SERGEANTS ☐ CHAPLAINS

Appendix 1217.B.pdf

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APPENDIX 1217.B

CASE NUMBER _____

DATE _____

TO: GRESHAM POLICE PROPERTY ROOM TECHNICIAN

FROM: GRESHAM POLICE RECORDS

The above case indicates that a firearm with the serial number below has been placed in the Property Room. LEDS/NCIC policy requires that the status of the firearm be verified at this time. In order to comply with the validation requirements, the firearm and the entry must be compared to determine that the entry is identical to the description of the firearm.

SERIAL NUMBER _____

BRAND _____

MODEL _____ CALIBER _____ FINISH _____

I, _____, have inspected the above listed firearm and declare that the information listed above is correct and accurate.

FIREARM IS _____ STORED IN PROPERTY ROOM

_____ WAS DESTROYED _____
DATE

SIGNED _____ DATE _____

TITLE _____

Purchasing Card Policies.pdf

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Purchasing Card Policies

Purpose and Scope

The purpose of this document is to define responsibilities, requirements and to delineate requirements for the City of Gresham's use of the Purchasing Card Program.

These procedures delegate of authority to line management of the City's organizations, the ability to purchase materials more efficiently and effectively by use of a purchasing card rather than by other means such as petty cash, purchase order, etc.

Some benefits of the purchasing cards include:

- Better vendor relations and service. The vendor gets paid much faster and may respond with added discounts to the City.
- Lower transaction costs
- Savings to the City in pricing of goods, time to process transactions, and in overall costs
- Internet purchasing capability

Purchasing Card Dollar Limitations

The standard monthly/transaction credit limits are established by each and vary with each cardholder. Limits will be reviewed and updated periodically by the Purchasing Card Program Administrator. Monthly/transaction limits can be increased or reduced at the discretion of the cardholder's supervisor(s).

Glossary of Terms

Purchasing Card Program Administrator -- The program administrator is the liaison between the purchasing card contract vendor (Bank of America) and City of Gresham. Duties include but are not limited to ordering and issuing cards to the cardholders and providing cardholder training and assisting. Creating, maintaining and deleting system access, , providing assistance to purchasing card liaisons and card custodians.

Purchasing Card Manager--This is the department director or supervisor of the custodian. Each Manager will determine spending levels and has the authority over who may be issued a card.

Purchasing Card Liaison--This is the program administrator at the department or division level, delegated by the department director. The Card Liaison will further delegate authority to the Card Custodians.

Purchasing Card Custodian --The Card Custodian is the end user of a card who has the responsibility for that card. The Custodians are directed to turn receipts into their designated Purchasing Card Liaison [1]

[1] If a Purchasing Card Liaison does not have the necessary paperwork the card custodian may have his/her card put into cancellation status. This is because the reconciliation paperwork is due to the Purchasing Card Administrator by the last day of the month.

Responsibilities

Purchasing Card Liaison— ensuring monthly custodian statements are reconciled and turned in to the Program Administrator by the end of every month, following the purchasing activity ensuring all signatures are obtained monthly and designing an appropriate process for gathering and filing all monthly statements

Purchasing Card Custodian – is responsible for their own cards which should be maintained in a secured location and the whereabouts of the card should be known at all times. If a card should become lost or stolen the Custodian is responsible for immediately reporting this to the Program Administrator and the Bank of America so appropriate action can occur. Disputes must be reported to the Card Liaison. Responsibilities also include making authorized purchases for their department based upon the limits set within the department, being in compliance with the City's purchasing rules and being familiar with information contained within this handbook.

Purchasing Card Manager – is responsible for establishing purchasing card limits, reviewing, approving and signing off on cardholder monthly statements assuring all purchases are made per department and City policies.

Purchasing Card Administrator - is responsible for the entire program, maintaining the database and integrity of the program. The Administrator is also responsible for ordering, canceling and changes to the individual cards and working with cardholders and vendors when problems and or questions arise.

Card Ordering

When ordering new cards, the Purchasing Card Liaison must send an e-mail to the Purchasing Card Program Administrator with the following information:

- Name of the card custodian
- Department/Division
- Work Phone Number
- The single purchasing limit per transaction
- The monthly purchasing limit per transaction
- Employee number

The cards will be issued with The City of Gresham printed on the second line and the individuals name on the first line.

Upon receipt of the purchasing card, the Purchasing Card Administrator will log receipt of the card into the City of Gresham Procurement Card system and must schedule training for the Card Custodian.

Taking Card Possession/Training

Once the Purchasing Card Administrator receives the card from Bank of America, the Custodian will be notified. The Purchasing Card Administrator, or designee, shall provide a training package and appropriate training to the Custodians prior to authorizing use under the Procurement Card Program. This training will include providing a copy of to the Custodian, directions on how and where to use the card, providing an overview of the spending limits

A record of instruction and training will be signed by both the Custodian (upon receiving the card) and the Liaison by mail. The signed record of instruction will be upon the signature, the Administrator will contact the Bank to activate the card for use.

Upon issue of renewal cards, refresher training will be required and a new record of instruction and training must be signed. Renewal cards are issued every two (2) years.

Declines

A decline (inability for the cardholder to use the purchasing card) will happen in the following situations:

- Using the card at a merchant the City has not authorized[2]
- Exceeding the allotted spending limit

If a decline is received, please contact the Purchasing Card Administrator immediately. The problem can, more than likely, be rectified at that time.

Do not request charges be separated when it is more than the allotted purchase amount; i.e., needing a $500 item and swiping the card for $300, then $200, when the single purchase limit is $300.

How the process works

- Make a purchase: Most purchases will be made in person at a local store, similar to using your personal credit card. However, you may also make purchases over the telephone, by fax, over the internet or mail by completing an order form such as subscriptions and conference registrations**.** Do your best to use a vendor who provides discounts and who has the lowest reasonable price.

  When making a purchase, identify yourself as a City of Gresham employee and inform the vendor you are making a tax-exempt purchase. (Notification of tax exempt status may be obtained from the Purchasing Card Administrator)

- Do not pay invoices received in the mail or otherwise with the Pcard. The reason for this is that monthly statements are usually to the City's Accounts Payable Department.

- Unpaid invoices normally show on a statement and payment with the Pcard may result in a double payment.

- Do not schedule any auto pays with the Pcards. Auto pays are when a monthly invoice can be paid automatically by submitting your card number.

- Receive the goods: After the goods are picked up or delivered and received, it is required that the Custodian must be document, with a proof of receipt, which will be in the form of sales receipt, packing slip, order form or registration application. All receipts must be annotated with the following information (if not provided by the merchant), the custodian must handwrite the missing information

  Merchant name
  Date purchase was made
  A description of each item purchased including quantity
  Total cost
  Cardholder name
  Account coding using the City's chart of accounts available from the Accounts Payable Department.

[2] The obvious places such as ATM machines, Liquor stores, massage parlors, a few restaurants may be coded liquor stores; these are usually the finer establishments.

- Upon receiving the receipt immediately turn over to your Pcard liaison who will input the necessary information into the on-line Bank of America system.

- Verify the goods received – The custodian is responsible for working with the vendor to correct any problems, exchanges or credits. **DO NOT** accept a cash credit.

  Note discrepancies: any unresolved problems should be brought to your department Liaison and the Program Administrator. You and your department Liaison are responsible to resolve the problem(s)

Purchasing Card Security

Purchasing cards and the related account numbers must be safeguarded against loss, theft, and unauthorized use. Cards shall be retained by the Custodian in a secure location and security of purchasing card numbers must be maintained. In order to limit liability for unauthorized purchases, the Custodian must report any lost or stolen cards immediately by calling the Bank of America's customer service center (1-888-449-2273) and must notify the appropriate Liaison in his/her department as well as the purchasing card administrator.

In the event a purchasing card account number is compromised or stolen, perhaps by a computer hacker or through other means, the purchasing card vendor is usually the first notified by investigators. The Bank of America will then notify either the card Custodian or Program Administrator of the security breach and will immediately close the account in question and a new card will be issued to the Custodian.

Purchasing card Managers and Custodians will develop control measures to ensure the safety and security of purchasing cards at all times.

Purchasing cards shall be returned to the appropriate department delegating authority immediately when the Custodian terminates employment. The Custodian's Liaison is then responsible for notifying the Program Administrator to close the account.

Internet Ordering

It is permissible to place an order through the Internet using a City of Gresham Procurement card. All purchasing rules and regulations will need to be followed where applicable. It is also advised that extra caution be taken during the statement reconciliation process to ensure accuracy. It is the sole responsibility of the Custodian to ensure that all rules are followed. Care must be taken to insure the internet purchase is continued far enough to obtain a written confirmation of what was purchased and that information must be attached to the monthly statement.

Lending your Purchasing Card to another employee

The City of Gresham does not allow Custodians or other employees to loan their cards to other employees for use. Violation of this may result in revoking the Pcard privilege.

Audits

Monthly audits will be performed by the Purchasing Card Program Administrator upon the receipt of statements and receipts. Cardholders and the violation(s) will be placed on a list, which will be sent to the Finance Director and represented Department Director on a monthly basis from the Procurement Card Administrator.

Requirements when turning in Receipts/Statements

- If a receipt is missing, every effort (calling the vendor) must be made to obtain the original or a substitute receipt. If obtaining a receipt is not possible, an e-mail or note attached to the Pcard Custodian's statement must be attached and signed by a supervisor.

- Please do not submit meal receipts with only a total. Meal receipts must be itemized and on every receipt, the following is required: The amount of the meal, including any reasonable tip, the place of the meal, the names of all attendees, the relationship of each attendee to the City and the business purpose that benefits the City. Do include the itemized receipt with the Pcard receipt.

- When a meal is purchased, a description of purpose and who attended is required, this is also mentioned in GARS 6.40.10.

- Catered meals or refreshment receipts must have purpose of meeting and who attended.

- Tips should be given according to service provided and not exceed 20%. Upon audits if a tip is calculated to more than 20% the Pcard custodian will be required to reimburse the City the amount over the 20%.

- **Personal charges are not allowed under city and state Ethics Commission rules.** If a personal charge was made on the card, the custodian is required to reimburse the City at the time reconciliation is submitted. Errors of this sort will be allowed once, as mistakes are made, however; if a second mistake occurs within a year, the Pcard may be confiscated.

- It is important to turn your receipts into your liaison as you obtain them. The liaison is responsible for allocation of purchases and this needs to be done on a daily basis.

- Gift certificates: when purchasing these, the following documentation is required: the name of the recipient, purpose of certificate and the amount given.

Unauthorized Charges

- Upon reconciliation of your monthly statement, if a purchase is disclosed which is not recognized, contact the vendor listed on the statement and try to work with them to determine if the charge really should be on your statement. If this is not possible, a dispute of charge should be made to the bank. The following may be formally questioned with Bank of America if not resolved at the vendor level:

  Unauthorized or unrecognized charges
  Difference in the purchase amount you authorized and the amount charged
  Duplicate charges
  Failure to receive a credit
  Failure to receive the goods or services
  Returned merchandise
  Defective merchandise

- Contact your Pcard Liaison if he/she is responsible for your paperwork upon completion and they will submit the claim to the Bank. It is your responsibility as the custodian to contact the vendor before contacting the bank or your Liaison.

Violations and Consequences

Certain transactions are prohibited by City policy. Violation of these policies and those referred to in this document may result in corrective action being taken. The consequences include, but are not limited to, revoking the card, requiring additional training, disciplinary action as prescribed in GARS and/or applicable collective bargaining contract. Depending on the nature of the violation, the employee may also be prosecuted under applicable local, state and federal civil or criminal law.

Employee Termination

When a cardholder terminates employment with the City, the procurement card must be returned to the Program Administrator or the Department Liaison

Important dates to remember

Statements must be signed by Division Supervisor or Manager before being submitted to A/P for their review. If not signed, they will be returned for a signature.

Signed statements are due to A/P no later than the last day of the month.

We reserve the right to modify procedures when appropriate. Any changes will be communicated with Department Managers and the Pcard custodians.

GPD NOTICE OF EXCLUSION.pdf

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GPD NOTICE OF EXCLUSION

ID Type	ID Number	State	Phone
Name Last	First		Middle
AKA			
City		State	Zip

EXCLUSION

- Pursuant to ORS 164.205, the undersigned Gresham Police Department Officer, acting as a representative of the Person in Charge of this property, has issued you this Private Property – Notice of Exclusion.
- Pursuant to ORS 164.205, this Notice serves as written notice to leave this property immediately, and not to re-enter this property.
- If you fail to leave this property immediately, or if you re-enter the property during the period of exclusion stated below, you will be subject to arrest and prosecution for the Class C Misdemeanor of Criminal Trespass in the Second Degree.

TIME AND PLACE YOU ARE EXCLUDED FROM

☐ Private Multi-family Complex ☐ Public Home Forward Complex

Date Issued: _____/_____/_____ Time: _____ AM / PM

Location of Exclusion: _____

REASON FOR EXCLUSION

☐ Making unreasonable noise;

☐ Substantially interfering with any right, comfort, or convenience of any apartment resident or employee;

☐ Engaging in any activity that constitutes a criminal offense under state law or city ordinance;

☐ Engaging in any activity involving firearms, illegal drugs or violence;

☐ Damaging, defacing or destroying any property belonging to the property owner or any apartment resident or employee;

☐ Littering on the property;

☐ Driving in a careless or reckless manner;

☐ Consuming or possessing an open container of any alcoholic beverage on the common areas without being accompanied (meaning actual physical presence) by an adult (meaning 21 years of age or older) resident (meaning listed on a valid rental agreement) of the property;

☐ Engaging in gang activity, including but not limited to:

- ☐ Grouping to show gang affiliation or to intimidate rival gangs, residents or employees, or
- ☐ Using hand signals or gestures for the purpose of intimidation, or for the purposes of provoking a violent response;

☐ Violating any provision of GRC Article 7.40 or any other applicable curfew law.

NARRATIVE

_____

_____

_____

LENGTH OF EXCLUSION

☐ NINETY (90) DAYS ☐ ONE YEAR

YOU ARE NOT AUTHORIZED TO RE-ENTER PROPERTY EVEN IF INVITED BY A RESIDENT / TENANT

OPTION TO PROTEST (see reverse)

GPD OFFICER'S SIGNATURE _____

DPSST

Copy 1 – Excluded person Copy 2 – Property Management Copy 3 – Tenant Copy 4 - Records

EXCLUSION PROTEST PROCEDURE

If you believe this notice was issued in error, you may submit a protest and have the matter reviewed by an independent review officer.

1. Submit a **written** request to the City of Gresham at the address below by 5:00 pm, within ten (10) calendar days of the date the exclusion notice was issued. If not received by the deadline, you waive your right to a review.

2. Your written request must state why you do not believe the exclusion is valid, specifying each and every reason you believe the notice is in error, and provide accurate contact information by which the City may contact you.

_____
_____
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_____

CONTACT INFORMATION

Name:_____ Phone:_____

Address:_____ E-mail: _____

City, State, Zip: _____

Signature: _____ Date:_____

SUBMIT PROTESTS TO:

City of Gresham
City Attorney's Office
1333 N.W. Eastman Parkway
Gresham, OR 97030

Risk Assessment 7.16.2019.pdf

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